UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS BROWNSVILLE DIVISION

Elvia Garcia, Marylu Garcia, Agustin)	
Garcia, Armando Aguilar, Jorge Luis	
Aguilera, Jose Humberto Aguilera,	
Heron Alaniz, Jose Luis Alvarez, Jose)	
Francisco Escobedo, Victor Flores-	
Galvan, Francisco Garcia, Israel Becerra-)	
Garcia, Cresencio Jaime-Cantu, Luis	
Jimenez, Jose Luis Loza, Pedro Macias,)	
Octavio Martinez, Israel Mata, Joas)	
Perez-Guzman, Alejandro Robledo,)	
Esteban Robledo, Maria Guadalupe)	
Robledo, Jose Luis Rodriguez, Arturo)	
Sanchez-Botello, Lorenzo Silva, and)	
David Montalvo,	
)	CIVIL ACTION NO. 1:13-cv-84
Plaintiffs,)	
)	
v.)	JURY TRIAL DEMANDED
)	
Lewis Marshall Bailey IV d/b/a Lewis M.)	
Bailey IV Farms, Lewis Marshall Bailey)	HON. ANDREW S. HANEN
III d/b/a Lewis M. Bailey IV Farms, and)	
Jesus Cervantes,	
)	
Defendants.	
)	

PLAINTIFFS' SECOND AMENDED COMPLAINT

PRELIMINARY STATEMENT

1. This is an action for damages brought by twenty-six migrant agricultural workers from the Rio Grande Valley in Texas against Defendant agricultural employers and farm labor contractor. This action is based on Defendants' violations of Plaintiffs' rights under the federal Migrant and Seasonal Agricultural Worker Protection Act, 29

U.S.C. §§ 1801 *et seq.* (hereinafter "AWPA"), Title VII of the Civil Rights Act of 1964, *Plaintiffs' Second Amended Complaint*Page 1 of 29

as amended, 42 U.S.C. §2000e *et seq*. (hereinafter "Title VII"), 42 U.S.C. § 1981 (hereinafter "Section 1981"), Texas contract law, and Mississippi tort law.

2. In May of 2012, Defendants recruited and transported Plaintiffs from Texas to Mississippi for the purposes of employment planting sweet potatoes. Defendants violated their obligations to these workers under federal employment and civil rights laws, and Texas and Mississippi state laws, by, among other things, breaking promises made at the time of recruitment regarding the work and pay, discriminating against workers on the basis of their race and/or national origin, sexually harassing female workers, placing workers in deplorable and inhumane living conditions, denying access to toilets, and otherwise failing to meet even minimal standards regarding workers' recruitment, transportation, and employment.

JURISDICTION AND VENUE

- 3. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. § 1331 (conferring jurisdiction over claims arising under the laws of the United States) and 28 U.S.C. § 1337 (conferring jurisdiction over claims arising under acts of Congress regulating commerce) 28 U.S.C. § 1343 (conferring jurisdiction over claims involving civil rights); 29 U.S.C. § 1854(a) (conferring jurisdiction over claims arising under the AWPA); and 42 U.S.C. §2000e-5(f)(e) (conferring jurisdiction over claims involving Title VII).
- 4. This Court has supplemental jurisdiction over Plaintiffs' claims arising under the laws of Texas and Mississippi pursuant to 28 U.S.C. § 1367 because they are so related to the federal claims that they form part of the same case or controversy under Article III of the United States Constitution.

- 5. This Court has personal jurisdiction over Defendants.
- 6. This Court is empowered to issue a declaratory judgment and further necessary or proper relief pursuant to 28 U.S.C. §§ 2201 and 2202.
- 7. Venue is proper in this district pursuant to 28 U.S.C. § 1391(b)(2)-(3) and 29 U.S.C. § 1854(a).

PARTIES

- 8. Plaintiffs Armando Aguilar, Jorge Luis Aguilera, Jose Humberto Aguilera, Heron Alaniz, Jose Luis Alvarez, Jose Francisco Escobedo, Victor Flores-Galvan, Agustin Garcia, Elvia Garcia, Francisco Garcia, Israel Becerra Garcia, Marylu Garcia, Cresencio Jaime Cantu, Luis Jimenez, Jose Luis Loza, Pedro Macias, Octavio Martinez, Israel Mata, David Montalvo, Joas Perez-Guzman, Alejandro Robledo, Esteban Robledo, Maria Guadalupe Robledo, Jose Luis Rodriguez, Arturo Sanchez-Botello, and Lorenzo Silva are natural persons whose permanent place of residence is Texas.
 - 9. Some Plaintiffs speak and read only Spanish.
- 10. At all times relevant to this action, Plaintiffs were "migrant agricultural worker[s]" within the meaning of the AWPA, 29 U.S.C. § 1802(8)(A).
- 11. At all times relevant to this action, Plaintiffs were employees of Defendants Lewis Marshall Bailey III and Lewis Marshall Bailey IV (hereinafter jointly referred to as "Grower Defendants") within the meaning of Title VII, 42 USC §2000e(f).
- 12. All Plaintiffs are Hispanic/Latino and of Mexican/Mexican-American national origin.
- 13. Defendant Jesus ("Chuy") Cervantes is a natural person domiciled in Brownsville, Texas.

- 14. At all times relevant to this action, Defendant Cervantes was a "farm labor contractor" ("FLC") within the meaning of the AWPA, 29 U.S.C. § 1802(7).
- 15. At all times relevant to this action, Defendant Cervantes acted as an agent of Defendants Lewis Marshall Bailey III and Lewis Marshall Bailey IV.
- 16. Defendant Lewis Marshall Bailey III (a.k.a "Sonny") is a natural person domiciled in or around Bruce, Mississippi. On information and belief, Defendant Lewis Marshall Bailey III does business as Lewis M. Bailey IV Farms, which has its principal place of business in Calhoun County, Mississippi.
- 17. Defendant Lewis Marshall Bailey IV (a.k.a. "Marshall") is a natural person domiciled in or around Bruce, Mississippi. On information and belief, Defendant Lewis Marshall Bailey IV does business as Lewis M. Bailey IV Farms, which has its principal place of business in Calhoun County, Mississippi.
- 18. At all times relevant to this action, Defendant Lewis Marshall Bailey III was an "agricultural employer" of Plaintiffs within the meaning of the AWPA, 29 U.S.C. § 1802(2).
- 19. At all times relevant to this action, the Defendant Lewis Marshall Bailey IV was an "agricultural employer" of Plaintiffs within the meaning of the AWPA, 29 U.S.C. § 1802(2).
- 20. At all times relevant to this action, Defendant Lewis Marshall Bailey III was an employer of Plaintiffs within the meaning of Title VII, 42 USC §2000e(b).
- 21. At all times relevant to this action, Defendant Lewis Marshall Bailey IV was an employer of Plaintiffs within the meaning of Title VII, 42 USC §2000e(b).

- 22. At all times relevant to this action, Defendant Lewis Marshall Bailey III (a.k.a. "Sonny") acted as an agent for Defendant Lewis Marshall Bailey IV (a.k.a. "Marshall") with respect to the recruitment, transportation, housing and employment of Plaintiffs.
- 23. At all times relevant to this action, Defendant Lewis Marshall Bailey IV (a.k.a. "Marshall") acted as an agent for Defendant Lewis Marshall Bailey III (a.k.a. "Sonny") with respect to the recruitment, transportation, housing and employment of Plaintiffs.

STATEMENT OF FACTS

- 24. The Grower Defendants contracted with Defendant Jesus ("Chuy")
 Cervantes and his relative Andres Cervantes to obtain farm labor contracting services,
 including the recruitment of workers for planting the Grower Defendants' sweet potato
 fields in and/or around Bruce, Mississippi.
- 25. At all times relevant to this action, Defendant Cervantes either lacked a farm labor contractor certificate of registration issued by the U.S. Department of Labor (hereinafter "USDOL"), or, alternatively, was a registered as a farm labor contractor with USDOL, but lacked the necessary authorizations to transport, house, and drive migrant workers.
- 26. At all times relevant to this action, Andres Cervantes acted as an agent of the Grower Defendants and/or Defendant Cervantes by assisting in the management, payment, housing, and transportation of workers.
- 27. At all times relevant to this action, Andres Cervantes lacked a farm labor contractor certificate of registration issued by the USDOL.

- 28. Grower Defendants failed to take reasonable steps to determine that the persons whom they utilized to supply them with migrant agricultural workers in May of 2012 had certificates of registration issued by USDOL that authorized the activities for which they were utilized.
- 29. Defendant Cervantes failed to take reasonable steps to determine that Andres Cervantes, whom he used to assist with the performance of farm labor contracting activities, had a certificate of registration issued by USDOL that authorized him to conduct those activities.
- 30. Grower Defendants' agent, Defendant Cervantes, recruited Plaintiffs to work in their sweet potato fields.
- 31. This recruitment took place in or around Brownsville, Texas in May of 2012.
- 32. The Grower Defendants offered agricultural employment to Plaintiffs on their sweet potato farm, by and through Defendant Cervantes in Texas.
- 33. Plaintiffs accepted agricultural employment for the Grower Defendants' sweet potato farm by and through Defendant Cervantes in Texas.
 - 34. The terms of the working arrangement were entered into in Texas.
- 35. At the time that Defendants recruited Plaintiffs, Defendants failed to disclose in writing in English or Spanish the terms and conditions of employment as required by the AWPA.
- 36. In Texas, Plaintiffs were verbally promised certain terms and conditions of employment.

- 37. Defendant Cervantes, acting as an agent of Grower Defendants, provided information to the Plaintiffs at the time of recruitment that varied from worker to worker. Plaintiffs received false and misleading information regarding, *inter alia*, (a) the type of work that would be done, (b) the length of the season, (c) the payment they would receive, (d) the terms and conditions of transportation, and (e) the terms and conditions of housing.
- 38. Among other things, the terms of the working arrangement made in Texas called for Plaintiffs to leave their permanent places of residence in Texas and travel to Mississippi to work in the Grower Defendants' sweet potato fields.
- 39. Plaintiffs relied upon the representations of the working arrangement and traveled nearly a thousand miles from South Texas to Mississippi for work.
- 40. In May of 2012, Defendants caused Plaintiffs to travel from their permanent residence in Texas to Mississippi to work in the Grower Defendants' sweet potato fields.
- 41. When Plaintiffs arrived to work for the Grower Defendants, work was not made available to them by the Defendants as had been promised to Plaintiffs in Texas.
- 42. Plaintiff David Montalvo left the employ of Defendants due, *inter alia*, to the failure of the Defendants to provide work as promised, and the abhorrent living conditions discussed *infra*, at Paragraphs 54 through 61.
- 43. When work was finally made available by Defendants to the remaining Plaintiffs, rather than planting sweet potatoes as agreed, the Defendants first made the Plaintiffs pull or cut grass and weeds with their hands and knives. This work had not been disclosed in Texas, and Plaintiffs objected to this work, *inter alia*, as it was more difficult

and dangerous than the work they had agreed to do. Defendants eventually gave the remaining Plaintiffs work planting sweet potatoes.

- 44. Plaintiffs engaged in "agricultural employment" at the Grower Defendants' agricultural business within the meaning of 29 U.S.C. § 1802(3).
- 45. Defendants failed to post a notice in English or Spanish at Plaintiffs' place of employment setting forth Plaintiffs' rights under the AWPA.
- 46. Defendants did not provide access to toilet facilities in the fields where Plaintiffs worked for most of the season. The facilities which were provided at the end of the season were not accessible from where Plaintiffs were working. Plaintiffs were therefore forced throughout the season to relieve themselves in the brush along the edge of the fields.
- 47. Plaintiffs at times worked such long hours on moving tractors without breaks that some soiled themselves. Defendants' failure to provide adequate sanitation facilities and breaks endangered Plaintiffs' health. Plaintiffs forewent water, risking dehydration, because of these conditions.
- 48. Defendants did not provide adequate drinking water or disposable cups at the jobsite.
 - 49. Defendants did not provide hand washing facilities at the jobsite.
 - 50. Defendants did not pay Plaintiffs their wages owed when due, to wit:
 - Defendants paid the workers on a later date or only made a partial payment on the set payday;
 - b. Defendants paid some Plaintiffs an hourly wage less than the hourly wage that had been promised when they were recruited in Texas;

- c. Defendants did not pay wages for all the hours of Plaintiffs' work; and/or
- d. Defendants and/or their agents made unauthorized deductions from the Plaintiffs' pay.
- 51. Defendants did not provide Plaintiffs with itemized pay statements as required by the AWPA. Defendants paid Plaintiffs with cash, without accounting to them for their hours worked, pay rate, and/or any deductions that may have been legally or illegally taken from their pay.
- 52. On one occasion, while Defendant Cervantes was handing out cash payments to Plaintiffs, he demanded that Plaintiff Agustin Garcia return \$100 to him. When Plaintiff Agustin Garcia refused to return his pay, Defendant Cervantes punched him in the side and took \$100 from his pocket.
- 53. Defendant Cervantes intended to and did in fact frighten and injure Plaintiff Garcia when he punched him. Plaintiff Garcia had not threatened, frightened, or provoked Defendant Cervantes.
- 54. Upon information and belief, Plaintiffs were housed during the course of their employment in housing units owned or controlled by Defendants.
- 55. Defendants, by and through Defendant Cervantes, had promised Plaintiffs at the time of recruitment trailers or houses which included all necessary utilities and furnishings. Plaintiffs were told they would not have to pay for the housing.
- 56. The housing provided to Plaintiffs by Defendants upon their arrival in Mississippi was abhorrent. The sleeping, cooking, and bathing areas in the barrack style building were improperly separated. Mats provided for sleeping were dirty and stained. The kitchen facilities were wholly inadequate, particularly given the number of residents.

There were no proper bathing facilities; rather, workers rinsed themselves with cold water from an exposed pipe and at times had to share just one working toilet.

- 57. The female Plaintiffs refused to stay in housing with open quarters with unrelated males and lacking adequate bathing and cooking facilities, and so they and some other Plaintiffs were moved to a second housing location.
- 58. The Plaintiffs who were moved to the second housing unit (Plaintiffs Elvia Garcia, Marylu Garcia, Alejandro Robledo, Esteban Robledo, Maria Guadalupe Robledo, Jorge Luis Aguilera, and Jose Humberto Aguilera) were told by the Defendants that they would have to pay rent for that housing. This violated the working arrangement as free housing had been promised in Texas at the time of recruitment. Plaintiffs refused to pay rent.
- 59. At no time relevant to this lawsuit did Defendant Cervantes or his agents have a farm labor contractor certificate of registration issued by USDOL authorizing the housing of migrant agricultural workers.
- 60. The housing units failed to meet the minimum safety and health standards specified under the AWPA and under applicable state and federal law.
- 61. The housing units in which Defendants housed Plaintiffs were not certified as meeting applicable health and safety standards by a state or local health authority or other appropriate agency, and no such certificate of compliance was posted.
- 62. The employment of Plaintiffs Jorge Luis Aguilera, Jose Aguilera, Elvia Garcia, Marylu Garcia, Alejandro Robledo, Esteban Robledo, and Maria Robledo, who had been moved to the second housing location, was wrongfully terminated (actually or constructively) by Defendants prior to the end of the season.

- 63. Defendants terminated Plaintiffs as described in Paragraph 62 because of Plaintiffs' exercise of their rights under the AWPA. These Plaintiffs had exercised their rights under AWPA by, *inter alia*, refusing to stay in the barrack-style housing first provided by Defendants, refusing housing which failed to meet health and safety standards, and refusing to pay rent for housing which they had been promised would be provided free of charge.
- 64. Plaintiffs were generally driven between the housing and work sites by Defendant Cervantes on a yellow school bus. At times Defendant Cervantes appeared to be under the influence of alcohol and/or drugs while driving the bus. The bus was occasionally driven by others, and Plaintiffs were also occasionally provided transportation for other purposes in this vehicle.
- 65. During the course of their employment of Plaintiffs, Defendants caused Plaintiffs to be transported by Defendant Cervantes and/or other drivers who did not have a farm labor contractor certificate of registration issued by USDOL authorizing transportation or driving.
- 66. During the course of their employment of Plaintiffs, Defendants caused Plaintiffs to be transported in a vehicle in violation of federal and state safety standards.
- 67. During the course of their employment of Plaintiffs, Defendants caused Plaintiffs to be transported in a vehicle or vehicles by a person or persons not properly licensed to drive that class of vehicle.
- 68. Defendants failed to take reasonable steps to determine whether the persons whose services it utilized to transport or drive workers had a farm labor

contractor certificate of registration issued by USDOL that authorized such persons to transport or drive migrant agricultural workers.

- 69. Defendants breached their promise to pay Plaintiffs' return transportation and Plaintiffs had to pay for their own return transportation from Mississippi to Texas.
- 70. Defendants gave Plaintiffs fewer hours of work per week and fewer weeks of employment than Defendants had promised Plaintiffs in Texas.
- 71. At no time during the course of Plaintiffs' employment did Defendant Cervantes obtain from Grower Defendants and make available to Plaintiffs a written statement of employment conditions as required by the AWPA.
- 72. Defendants violated without justification their working arrangements with Plaintiffs by not complying with all the terms and conditions of employment that Defendants had promised and by failing to comply with all applicable employment laws.
- 73. Plaintiffs at all times complied with the terms of the working arrangements.
- 74. Grower Defendants and their agents subjected Plaintiffs to verbal abuse and harassment, as well as intolerable living and working conditions, on account of their race and/or national origin.
- 75. Grower Defendants and their agents regularly yelled, swore at, and otherwise verbally harassed Plaintiffs with vulgar language and offensive comments while they worked.
- 76. Grower Defendant "Marshall" made derogatory comments to and about Plaintiffs referencing their race and/or national origin, such as stating that "Mexicans don't know how to work."

- 77. Grower Defendant "Sonny" made derogatory statements to and about Plaintiffs referencing their race and/or national origin, such as making comments in their presence about "greasy Mexicans" or "fucking Mexicans."
- 78. Plaintiffs were offended by the harassing and race-based verbal abuse to which they were subjected by Defendants and their agents.
- 79. Defendants delayed or denied bathroom and meal breaks to Plaintiffs and thus forced Plaintiffs to relieve themselves in unsanitary conditions.
- 80. Upon information and belief, Defendants provided similarly situated non-Hispanic/Latino and non-Mexican/Mexican-American workers ample and timely restroom and meal breaks.
- 81. Defendants housed Plaintiffs in inhumane and offensive housing conditions during their employment with Defendants as set forth in Paragraphs 54 through 61.
- 82. These inhumane and offensive living conditions in the housing provided to Plaintiffs incident to their employment for Defendants, constituted part of the hostile work environment to which Defendants subjected Plaintiffs on account of their race and/or national origin.
- 83. Defendants paid Plaintiffs in cash, generally at the rate of \$8.00/hour, prior to deductions made by Defendant Cervantes and Andres Cervantes.
- 84. Upon information and belief, similarly situated non-Hispanic/Latino and non-Mexican/Mexican-American workers of Defendants were paid by check, generally at the rate of \$9.00/hour.

- 85. In the presence of the other workers, Grower Defendant "Sonny" told Plaintiff Elvia Garcia that he wanted to take her out at the end of the day, to show her around Mississippi, and that he was going "to fuck" her. He repeatedly said he would fuck her.
- 86. Grower Defendant "Sonny," through his agent Andres Cervantes, told Plaintiff Elvia Garcia that he wanted to go out with her; Andres told her that his boss, "Sonny," would get whatever he wanted.
- 87. Grower Defendant "Sonny," cornered Plaintiff Marylu Garcia on the bus that Defendants used to transport Plaintiffs to and from work; she had gotten off the tractor and went on the bus because she was ill. "Sonny" approached her, stared at her, and told her that she must be sick because she had fucked and become pregnant, and that she must like to fuck.
- 88. Grower Defendant "Sonny" also told Plaintiff Marylu Garcia that he wanted her to come to his house at the end of the summer so that he could show her how real men have sex; "Sonny" bit his lip suggestively while he propositioned her.
- 89. Plaintiffs Elvia Garcia and Marylu Garcia felt as if Grower Defendant "Sonny" was staring at them while they worked.
- 90. Plaintiffs Elvia Garcia and Marylu Garcia found Grower Defendant "Sonny's" sexual advances, propositions, and comments unwelcome and offensive.
- 91. Grower Defendant "Sonny's" behavior toward Plaintiffs Elvia Garcia and Marylu Garcia was based on their female sex.

- 92. Grower Defendant "Sonny's" unwelcome sexual advances, propositions, and comments towards Plaintiffs Elvia Garcia and Marylu Garcia created a hostile work environment based on sex.
- 93. Grower Defendant "Sonny" acted as a supervisor for the agricultural business of Defendant Lewis Marshall Bailey IV ("Marshall").
- 94. All of the actions and omissions alleged herein were undertaken by Defendants either directly and/or through their agents.
- 95. Plaintiffs suffered injury as a result of the Defendants' actions and omissions complained of herein. Plaintiffs have suffered injury to their property or person, including but not limited to, mental anguish, embarrassment, humiliation, and emotional pain and suffering. These injuries were the natural, direct, and foreseeable result of the Defendants' conduct.

EXHAUSTION OF ADMINISTRATIVE REMEDIES AND CONDITIONS PRECEDENT

- 96. Plaintiffs re-allege and incorporate by reference Paragraphs 1 through 95 of this complaint as if fully set forth herein.
- 97. Within the appropriate time of the acts of which Plaintiffs complain, twenty-two Plaintiffs (hereinafter, "charging-parties" or "charging-party Plaintiffs") filed timely charges of discrimination against Defendants, under oath, with the Equal Employment Opportunity Commission (hereinafter, "EEOC").
- 98. In November of 2013, the EEOC provided the charging-party Plaintiffs with Notices of Right to Sue. Plaintiffs file this complaint within ninety (90) days of receipt of the Notices to the charging-parties from the EEOC. Plaintiffs' Notices of Right to Sue issued by the EEOC are attached as Exhibit "A" and incorporated by reference herein.

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- 99. All Plaintiffs Title VII claims arise out of the same discriminatory treatment, during the same time frame, as the discriminatory treatment the charging-party Plaintiffs complained of in their charges to the EEOC. Moreover, the charging-parties provided notice to the Defendants of the collective nature of their charges. Charging-party Plaintiffs' Charges of Discrimination are attached as Exhibit "B" and incorporated by reference herein.
- 100. Therefore, all conditions precedent to Plaintiffs' claims for relief under Title VII have been performed or have occurred.

FIRST CAUSE OF ACTION: MIGRANT AND SEASONAL AGRICULTURAL WORKER PROTECTION ACT

- 101. Plaintiffs re-allege and incorporate by reference the allegations set forth in Paragraphs 1 through 100 of this complaint as if fully set forth herein.
- 102. Grower Defendants intentionally violated all Plaintiffs' rights under the AWPA by, *inter alia*:
 - a. Failing to provide written disclosures at the time of the workers' recruitment, 29 U.S.C. § 1821(a);
 - b. Failing to post at the housing site a statement showing the terms and conditions of occupancy, 29 U.S.C. § 1821(c);
 - c. Knowingly giving false or misleading information to a worker, 29 U.S.C.§ 1821(f);
 - d. Failing to provide and post all disclosures required by the AWPA under 29
 U.S.C. § 1821 (a)-(c) in Spanish, 29 U.S.C. § 1821(g);
 - e. Violating the terms of the working arrangement without justification, 29
 U.S.C. § 1822(c);

- f. Failing to ensure that housing provided to Plaintiffs complied with federal and state safety and health standards, 29 U.S.C. § 1823(a);
- g. Failing to have an appropriate federal, state, or local agency certify that housing met applicable safety and health standards for migrant agricultural workers, and failing to post the certificate of compliance with federal and state health and safety standards for migrant agricultural workers, 29 U.S.C. § 1823(b);
- h. Causing Plaintiffs to be transported in violation of the AWPA's vehicle safety standards, 29 U.S.C. § 1841(b); and
- Utilizing the services of a farm labor contractor without taking reasonable steps to determine that the farm labor contractor possessed a valid certificate of registration which authorized the activity for which the contractor was utilized, 29 U.S.C. § 1842.
- 103. Grower Defendants intentionally violated the rights under the AWPA of all Plaintiffs who remained to work planting sweet potatoes for them by, *inter alia*:
 - a. Failing to pay wages owed when due, 29 U.S.C. § 1822(a);
 - b. Failing to make, keep, and preserve payroll records for each worker for each pay period, and to provide each worker with an itemized pay statement, 29 U.S.C. § 1821(d); and
 - c. Failing to post a notice at the place of employment setting forth the workers' rights under the AWPA, 29 U.S.C. § 1821(b).
- 104. Defendant Cervantes intentionally violated all Plaintiffs' rights under the AWPA by, *inter alia*:

- a. Engaging in farm labor contractor activities without authorization from USDOL to perform those activities, 29 U.S.C. § 1811(a);
- b. Failing to amend his certificate of registration whenever he intended to engage in another farm labor contracting activity, use a vehicle to transport migrant agricultural workers, or house migrant agricultural workers, other than as previously authorized on his certificate of registration, 29 U.S.C. § 1815(2);
- c. Hiring, employing, or using an unregistered farm labor contractor to perform farm labor contractor activities, 29 U.S.C. § 1811(b);
- d. Failing to provide required written disclosures at the time of the workers' recruitment, 29 U.S.C. § 1821(a);
- e. Failing to post at the housing site a statement showing the terms and conditions of occupancy, 29 U.S.C. § 1821(c);
- f. Knowingly giving false or misleading information to a worker, 29 U.S.C.§ 1821(f);
- g. Failing to provide and post all disclosures required by the AWPA under 29
 U.S.C. § 1821 (a)-(c) in Spanish, 29 U.S.C. § 1821(g);
- h. Violating the terms of the working arrangement without justification, 29
 U.S.C. § 1822(c);
- Failing to ensure that housing provided to Plaintiffs complied with federal and state safety and health standards, 29 U.S.C. § 1823(a);
- j. Failing to have an appropriate federal, state, or local agency certify that housing met applicable safety and health standards for migrant agricultural

- workers, and failing to post the certificate of compliance with federal and state health and safety standards for migrant agricultural workers, 29 U.S.C. § 1823(b);
- k. Causing Plaintiffs to be transported in violation of the AWPA's vehicle safety standards, 29 U.S.C. § 1841(b); and
- Failing to obtain from the place of employment and make available to
 Plaintiffs a written statement of employment conditions as required by 29
 U.S.C. § 1843.
- 105. Defendant Cervantes intentionally violated the rights under the AWPA of all Plaintiffs who remained to work planting sweet potatoes by, *inter alia*:
 - a. Failing to post a notice at the place of employment setting forth the workers' rights under the AWPA, 29 U.S.C. § 1821(b);
 - b. Failing to make, keep, and preserve payroll records for each worker for each pay period as required by the AWPA and to provide each worker with an itemized pay statement, 29 U.S.C. § 1821(d); and
 - c. Failing to pay wages owed when due, 29 U.S.C. § 1822(a).
- 106. Defendant Cervantes and Grower Defendants intentionally violated the rights of Plaintiffs Jorge Luis Aguilera, Jose Humberto Aguilera, Elvia Garcia, Marylu Garcia, Alejandro Robledo, Esteban Robledo, and Maria Guadalupe Robledo, under the AWPA by, *inter alia*, intimidating, threatening, discharging, and/or discriminating against them for exercising their rights and protections under the AWPA, 29 U.S.C. § 1855.

107. For each such violation of the AWPA, Plaintiffs are entitled to recover from Defendants their actual damages (including mental anguish and emotional distress) or up to \$500 in statutory damages.

SECOND CAUSE OF ACTION: BREACH OF CONTRACT UNDER TEXAS LAW

- 108. Plaintiffs re-allege and incorporate by reference the allegations set forth in Paragraphs 1 through 100 of this complaint as if fully set forth herein.
- 109. Defendants entered into an individual employment contract with each Plaintiff.
- 110. Defendants breached each contract of employment into which they entered with the Plaintiffs by failing to comply with the promised terms and conditions of employment.
- 111. As a direct consequence of Defendants' breach of the employment contracts, the Plaintiffs suffered substantial injury.
- 112. Defendants are therefore liable to Plaintiffs for actual, incidental, and consequential damages, attorneys' fees, and costs.

THIRD CAUSE OF ACTION: ASSAULT AND BATTERY UNDER MISSISSIPPI LAW

- 113. Plaintiffs re-allege and incorporate by reference the allegations set forth in Paragraphs 1 through 100 of this complaint as if fully set forth herein.
- 114. Defendant Cervantes acted with intent to cause harmful or offensive contact with Plaintiff Agustin Garcia when he punched him.
- 115. Plaintiff Agustin Garcia was placed in imminent apprehension of harmful or offensive contact when Defendant Cervantes punched him.

- 116. Defendant Cervantes caused Plaintiff Agustin Garcia harmful or offensive contact when he punched Plaintiff Agustin Garcia.
- 117. Plaintiff Garcia had not threatened, frightened, or provoked Defendant Cervantes.
- 118. The assault and battery of Plaintiff Agustin Garcia was of a wanton, malicious, or brutal nature.
- 119. Defendant Cervantes is liable to Plaintiff Agustin Garcia for compensatory and punitive damages he suffered as a result of the assault and battery described in Paragraphs 52 through 53 and 114 through 118, *supra*.
- 120. Grower Defendants are vicariously liable to Plaintiff Agustin Garcia for compensatory and punitive damages he suffered as a result of the assault and battery described in Paragraphs 52 through 53 and 114 through 118, *supra*.

FOURTH CAUSE OF ACTION: SECTION 1981, HOSTILE WORK ENVIRONMENT ON THE BASIS OF RACE

- 121. Plaintiffs re-allege and incorporate by reference the allegations set forth in Paragraphs 1 through 100 of this complaint as if fully set forth herein.
- 122. This claim is brought on behalf of all Plaintiffs pursuant to 42 U.S.C. § 1981 against the Grower Defendants.
- 123. The conditions under which Defendants required Plaintiffs to live and work were so severe or pervasive that a reasonable person would find them hostile or abusive, and Plaintiffs in fact perceived them to be hostile and abusive.
- 124. As set forth above, the Defendants harassed and abused Plaintiffs' on account of their race, and such conduct was sufficiently severe or pervasive to constitute

a hostile, offensive, and intimidating work environment in violation of Plaintiffs' rights to make and enforce employment contracts free of discrimination.

- 125. Defendants' actions violated Plaintiffs' rights to receive full and equal benefit of all laws guaranteed by 42 U.S.C. § 1981, including Plaintiffs' rights to enjoy and benefit from a nondiscriminatory employment relationship.
- 126. Defendants knowingly, willfully, intentionally, or recklessly acted to deprive Plaintiffs of their federally-protected rights.
- 127. As a direct result of Defendants' violations of Plaintiffs' rights under 42 U.S.C. § 1981 described above, Plaintiffs have suffered injury to their property or person, including but not limited to, mental anguish, embarrassment, humiliation, and emotional pain and suffering, warranting an award of compensatory and punitive damages.

FIFTH CAUSE OF ACTION: SECTION 1981, WAGE DISCRIMINATION ON THE BASIS OF RACE

- 128. Plaintiffs re-allege and incorporate by reference the allegations set forth in Paragraphs 1 through 100 of this complaint as if fully set forth herein.
- 129. This claim is brought pursuant to 42 U.S.C. § 1981 on behalf of all Plaintiffs except Plaintiff David Montalvo against the Grower Defendants.
- 130. Grower Defendants' paid Plaintiffs at a rate lower than it paid other employees.
- 131. As set forth above, Grower Defendants paid Plaintiffs at a lower rate than other employees on the basis of Plaintiffs' race.
- 132. Grower Defendants' disparate payment of wages constituted unlawful employment practices.

- 133. Defendants' actions violated Plaintiffs' rights to receive full and equal benefit of all laws guaranteed by 42 U.S.C. § 1981, including Plaintiffs' rights to enjoy and benefit from a nondiscriminatory employment relationship.
- 134. Defendants knowingly, willfully, intentionally, or recklessly acted to deprive Plaintiffs of their federally-protected rights.
- U.S.C. § 1981 described above, Plaintiffs have suffered injury to their property or person, including but not limited to, mental anguish, embarrassment, humiliation, and emotional pain and suffering, warranting an award of compensatory and punitive damages.

SIXTH CAUSE OF ACTION: TITLE VII, HOSTILE WORK ENVIRONMENT ON THE BASIS OF RACE AND NATIONAL ORIGIN

- 136. Plaintiffs re-allege and incorporate by reference the allegations set forth in Paragraphs 1 through 100 of this complaint as if fully set forth herein.
- 137. This claim is brought on behalf of all Plaintiffs pursuant to Title VII against the Grower Defendants.
- 138. Grower Defendants' abusive conduct was so severe or pervasive as to constitute an objectively hostile work environment, and Plaintiffs in fact perceived it to be hostile and abusive.
- 139. As set forth above, Grower Defendants subjected Plaintiffs to an abusive and hostile work environment on the basis of Plaintiffs' race and/or national origin.
- 140. Grower Defendants' creation of a hostile work environment constituted unlawful employment practices, *to wit* discrimination with respect to the terms, conditions, or privileges of employment.

- 141. The unlawful employment practices complained of above were intentional and done with malice or with reckless indifference to the federally protected rights of Plaintiffs.
- 142. The effect of the intentional practices complained of above was to deprive Plaintiffs of equal employment opportunities and otherwise adversely affect their status as employees because of their race and/or national origin.
- 143. As a direct result of Defendants' violations of Plaintiffs' rights under Title VII described above, Plaintiffs have suffered injury to their property or person, including but not limited to, mental anguish, embarrassment, humiliation, and emotional pain and suffering, warranting an award of compensatory and punitive damages.

SEVENTH CAUSE OF ACTION: TITLE VII, WAGE DISCRIMINATION ON THE BASIS OF RACE AND NATIONAL ORIGIN

- 144. Plaintiffs re-allege and incorporate by reference the allegations set forth in Paragraphs 1 through 100 of this complaint as if fully set forth herein.
- 145. This claim is brought on behalf of all Plaintiffs except Plaintiff David Montalvo pursuant to Title VII against the Grower Defendants.
- 146. Grower Defendants' paid Plaintiffs at a rate lower than it paid other employees.
- 147. As set forth above, Grower Defendants paid Plaintiffs at a lower rate than other employees on the basis of Plaintiffs' race and/or national origin.
- 148. Grower Defendants' disparate payment of wages constituted unlawful employment practices.

- 149. The unlawful employment practices complained of above were intentional and done with malice or with reckless indifference to the federally protected rights of Plaintiffs.
- 150. The effect of the intentional practices complained of above was to deprive Plaintiffs of equal employment opportunities and otherwise adversely affect their status as employees because of their race and/or national origin.
- 151. As a direct result of Defendants' violations of Plaintiffs' rights under Title VII described above, Plaintiffs have suffered injury to their property or person, including but not limited to, mental anguish, embarrassment, humiliation, and emotional pain and suffering, warranting an award of compensatory and punitive damages.

EIGHTH CAUSE OF ACTION: TITLE VII, HOSTILE WORK ENVIRONMENT/SEXUAL HARASSMENT (Plaintiffs Elvia Garcia & Marylu Garcia)

- 152. Plaintiffs re-allege and incorporate by reference the allegations set forth in Paragraphs 1 through 100 of this complaint as if fully set forth herein.
- 153. This claim is brought on behalf of Plaintiffs Elvia Garcia and Marylu Garcia pursuant to Title VII against the Grower Defendants.
- 154. As set forth above, Grower Defendants subjected Plaintiffs Elvia Garcia and Marylu Garcia to unwelcome conduct that was on the basis of their female sex.
- 155. The conduct was so severe or pervasive as to constitute an objectively hostile work environment, and Plaintiffs in fact perceived it to be hostile and abusive.
- 156. The unlawful employment practices complained of above was intentional and done with malice or with reckless indifference to the federally protected rights of Plaintiffs Elvia Garcia and Marylu Garcia.

- 157. The effect of the intentional practices complained of was to deprive Plaintiffs Elvia Garcia and Marylu Garcia of equal employment opportunities and otherwise adversely affect their status as employees because of their sex.
- 158. As a direct result of Defendants' violations of Plaintiffs' rights under Title VII described above, Plaintiffs have suffered injury to their property or person, including but not limited to, mental anguish, embarrassment, humiliation, and emotional pain and suffering, warranting an award of compensatory and punitive damages.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs request that this Court grant them the following relief:

- Enter a judgment in favor of Plaintiffs on their AWPA claims as set forth in their
 First Cause of Action;
- b. Award Plaintiffs their actual damages or, alternatively, statutory damages of \$500
 per person per violation for Defendants' violations of the AWPA;
- c. Enter a judgment in favor of Plaintiffs on their breach of contract claims as set forth in their Second Cause of Action;
- d. Award Plaintiffs their actual, incidental, and consequential damages on their breach of contract claim;
- e. Enter a judgment in favor of Plaintiff Agustin Garcia on his assault and battery claims as set forth in the Third Cause of Action;
- f. Award Plaintiff Agustin Garcia compensatory and punitive damages on his assault and battery claim;
- g. Enter a judgment in favor of Plaintiffs on their Section 1981 hostile work environment claims as set forth in the Fourth Cause of Action;

- h. Award Plaintiffs compensatory and punitive damages on their 1981 hostile work environment claim;
- Enter a judgment in favor of Plaintiffs on their Section 1981 wage discrimination claims as set forth in the Fifth Cause of Action;
- j. Award Plaintiffs compensatory and punitive damages on their 1981 wage claims;
- k. Enter a judgment in favor of Plaintiffs on their Title VII claims as set forth in the Sixth Cause of Action;
- Award Plaintiffs compensatory and punitive damages on their Title VII race and national origin hostile work environment claim;
- m. Enter a judgment in favor of Plaintiffs on their Title VII claims as set forth in the Seventh Cause of Action;
- n. Award Plaintiffs compensatory and punitive damages on their Title VII race and national origin wage discrimination claim;
- Enter a judgment in favor of Plaintiffs Elvia Garcia and Marylu Garcia on their
 Title VII sex discrimination claim as set forth in the Eighth Cause of Action;
- Award Plaintiffs Elvia Garcia and Marylu Garcia compensatory and punitive damages on their Title VII claim sex discrimination;
- q. Award Plaintiffs prejudgment and post judgment interest as allowed by law;
- r. Award Plaintiffs their reasonable expenses and costs of court;
- s. Award attorney's fees to counsel for Plaintiffs; and
- t. Award Plaintiffs such other relief as this Court deems just and proper.

JURY DEMAND

NOW COME Plaintiffs and demand a jury trial on the issues of this case and respectfully request that this cause be placed on the jury docket.

Respectfully submitted,

/s/ Angela M. Graves_

Angela M. Graves Attorney-in-Charge for Plaintiffs Texas Bar No. 24059848 Southern District of Texas No. 1321527 SOUTHERN MIGRANT LEGAL SERVICES, A Project of TEXAS RIOGRANDE LEGAL AID, INC.

311 Plus Park Blvd., Ste. # 135 Nashville, TN 37217

Telephone: (615) 750-1200 Facsimile: (615) 366-3349 Email: agraves@trla.org

Marinda van Dalen Texas Bar No. 00789698 Southern District of Texas No. 17577 TEXAS RIOGRANDE LEGAL AID, INC. 531 E. St. Francis Street Brownsville, Texas 78520 Telephone: (956) 982-5540

Facsimile: (956) 541-1410 Email: mvandalen@trla.org

CERTIFICATE OF SERVICE

I hereby certify that on this the 14th day of February, 2014, I electronically filed this document with the Clerk of Court using the ECF system, which sent notice of such filing to all counsel of record in this action.

Defendant Jesus Cervantes will be served in compliance with the Federal Rules of Civil Procedure.

/s/ Angela M. Graves

Case 1:13-cv-00084 Document 22 Filed in TXSD on 02/28/14 Page 30 of 105

CE001011	11 101 2 (11105)		
	1	NOTICE OF RIGHT TO SUE (ISSUED O	N-REQUEST)
6	eron Gregorio Alaniz 51 N. Dakota rownsville, TX 78520	From:	San Antonio Field Office 5410 Fredericksburg Rd Suite 200 San Antonio, TX 78229
	On behalf of person(s) a CONFIDENTIAL (29 CF	ggrieved whose identity is R §1601.7(a))	
EEOC C	Charge No.	EEOC Representative	Telephone No.
474.00	10 00 00 1	Norma Guzman,	(040) 004 7047
451-20)13-00591	Enforcement Supervisor	(210) 281-7617
NOTICE T	TO THE PERSON AGGRIEVED:	(See also	the additional information enclosed with this form.)
Act (GIN been iss of your	NA): This is your Notice of Roued at your request. Your la	ight to Sue, issued under Title VII, the ADA or GIN awsuit under Title VII, the ADA or GINA must be fi	, or the Genetic Information Nondiscrimination A based on the above-numbered charge. It has iled in a federal or state court <u>WITHIN 90 DAYS</u> The time limit for filing suit based on a claim under
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		ave passed since the filing of this charge, but I hav s administrative processing within 180 days from th	
X	The EEOC is terminal	ting its processing of this charge.	
	The EEOC will continu	ue to process this charge.	
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f you file	e suit, based on this charge,	please send a copy of your court complaint to this of	fice.
		On behalf of the Cor	mmission
		-10	14/1

CC:

Enclosures(s)

LEWIS M. BAILEY III & LEWIS M. BAILEY IV 102 Spratlin St. Bruce, MS 38915

Angela M. Graves, Staff Attorney Southern Migrant Legal Services A Project of Texas Rio Grande Legal Aid, Inc. 311 Plus Park Blvd., Ste 135 Nashville, TN 37217

(Date Mailed)

Director

Case 1:13-cv-00084 Document 22 Filed in TXSD on 02/28/14 Page 31 of 105 edges 1:13-cv-00084 EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

Р	orenzo A. Silva .O. Box 1723 rownsville, TX 78522		From:	San Antonio Field Office 5410 Fredericksburg Rd Suite 200 San Antonio, TX 78229	
	On behalf of person(s) aggrieved who CONFIDENTIAL (29 CFR §1601.7(a))				
EEOC C	Charge No.	EEOC Representative	<u> </u>	Telephone No.	
		Norma Guzman,			
451-20	013-00585	Enforcement Supervisor		(210) 281-7617	
	O THE PERSON AGGRIEVED:			the additional information enclosed with th	ŕ
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If you file	suit, based on this charge, please send a	a copy of your court complaint to	this offic	ice.	
		On behalf of	he Com	nmission	
		-nu alp	an	2 10 11/19/1	3
Enclosu	res(s)	Travis G. Hi Director	cks,	(Date Mailed)	
cc:	LEWIS M. BAILEY III & LEWIS M. B. 102 Spratlin St. Bruce, MS 38915			M. Graves, Staff Attorney rn Migrant Legal Services	

A Project of Texas Rio Grande Legal Aid, Inc. 311 Plus Park Blvd., Ste 135 Nashville, TN 37217 Case 1:13-cv-00084. Document 22 Filed in TXSD on 02/28/14 Page 32 of 105 EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

NOTICE OF RIGHT TO SUE (ISSUED ON REQUES	NOTICE OF R	IGHT TO SUE	(ISSUED ON REQUEST
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То:	1443 E.	Martinez Jefferson Street ville, TX 78520		From:	San Antonio Field Office 5410 Fredericksburg Rd Suite 200 San Antonio, TX 78229
		On behalf of person(s) aggrieved who CONFIDENTIAL (29 CFR §1601.7(a))	se identity is		
EEO	C Charge	No.	EEOC Representative		Telephone No.
			Norma Guzman,		
451	-2013-00	508	Enforcement Supervisor	'	(210) 281-7617
Notic	CE TO THE E	PERSON AGGRIEVED:	(\$	See also	the additional information enclosed with this form.)
Act (been of yo	GINA): In issued at our receipt	ils is your Notice of Right to Sue, i your request. Your lawsuit under	ssued under Title VII, the ADA Title VII, the ADA or GINA mu	or GINA Signature of the Nation	or the Genetic Information Nondiscrimination based on the above-numbered charge. It has ed in a federal or state court <u>WITHIN 90 DAYS</u> ne time limit for filing suit based on a claim under
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f you	file suit, ba	ased on this charge, please send a	copy of your court complaint to	o this offic	ce.
			On behalf of	the Com	mission
Enclo	osures(s)		Travis G. Hi Director		11/19/13 (Date Mailed)
cc:	102	VIS M. BAILEY III & LEWIS M. B. Spratlin St. ce, MS 38915		Souther A Project 311 Plus	M. Graves, Staff Attorney n Migrant Legal Services et of Texas Rio Grande Legal Aid, Inc. e Park Blvd., Ste 135 e, TN 37217

Case 1:13-cv-00084 Document 22 Filed in TXSD on 02/28/14 Page 33 of 105 EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

	2431 E	Luis Loza Eduardo Avenue esville, TX 78520		From:	San Antonio Field Office 5410 Fredericksburg Rd Suite 200 San Antonio, TX 78229
		On behalf of person(s) aggrieved whos CONFIDENTIAL (29 CFR §1601.7(a))	se identity is		
EEOC	Charge	No.	EEOC Representative		Telephone No.
451-2	2013-0	00393	Norma Guzman, Enforcement Supervisor	r	(210) 281-7617
Notice	= TO TUI	E PERSON AGGRIEVED:	(3	See also	the additional information enclosed with this form.)
Title V Act (G been is of you state la	/II of the iIINA): The iIINA): The iIINA): The iINA); The iINA iINA iINA iINA iINA iINA iINA iINA	ne Civil Rights Act of 1964, the Am This is your Notice of Right to Sue, is at your request. Your lawsuit under	ssued under Title VII, the ADA Title VII, the ADA or GINA mu	A or GINA u st be fil	or the Genetic Information Nondiscrimination based on the above-numbered charge. It has ed in a federal or state court <u>WITHIN 90 DAYS</u> he time limit for filing suit based on a claim under
L	X	More than 180 days have passed s	since the filing of this charge.		
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	X	The EEOC is terminating its proces	ssing of this charge.		
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			On behalf of	the Com	mission
Enclos	sures(s	s)	Travis G. H	Or J	//////////////////////////////////////
		•	Directo	r	
cc:	10	EWIS M. BAILEY III & LEWIS M. B. 02 Spratlin St. ruce, MS 38915	AILEY IV	Souther	M. Graves, Staff Attorney n Migrant Legal Services ct of Texas Rio Grande Legal Aid, Inc.

311 Plus Park Blvd., Ste 135 Nashville, TN 37217 Case 1:13-cv-00084 EQUAL EMPLOYMENT OPPORTUNITY COMMISSION Page 34 of 105

	Notice (OF RIGHT TO SUE (ISSUED OF	N REQUEST)
1434 E	Becerra Garcia East Los Ebanos Isville, TX 78520	From:	San Antonio Field Office 5410 Fredericksburg Rd Suite 200 San Antonio, TX 78229
	On behalf of person(s) aggrieved who CONFIDENTIAL (29 CFR §1601.7(a),		
EEOC Charge	No.	EEOC Representative	Telephone No.
451-2013-0	00391	Norma Guzman, Enforcement Supervisor	(210) 281-7617
Title VII of th Act (GINA): ² been issued a of your recei	This is your Notice of Right to Sue, at your request. Your lawsuit unde	mericans with Disabilities Act (ADA), issued under Title VII, the ADA or GINA r Title VII, the ADA or GINA must be fil	the additional information enclosed with this form., or the Genetic Information Nondiscrimination A based on the above-numbered charge. It has ed in a federal or state court WITHIN 90 DAYS he time limit for filing suit based on a claim under
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If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission

Enclosures(s)

Travis G. Hicks,

(Data Mailad)

Director

CC:

LEWIS M. BAILEY III & LEWIS M. BAILEY IV 102 Spratlin St. Bruce, MS 38915

Angela M. Graves, Staff Attorney Southern Migrant Legal Services A Project of Texas Rio Grande Legal Aid, Inc. 311 Plus Park Blvd., Ste 135 Nashville, TN 37217

NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

To:	2457 F	sco Garcia frankfurt sville, TX 78520		From:	San Antonio Field Office 5410 Fredericksburg Rd Suite 200 San Antonio, TX 78229
(On behalf of person(s) aggrieved whos CONFIDENTIAL (29 CFR §1601.7(a))	e identity is	·	
EEO	C Charge	e No.	EEOC Representative		Telephone No.
451	-2013-0	00389	Norma Guzman, Enforcement Supervisor		(210) 281-7617
Notic	E TO THI	E PERSON AGGRIEVED:	(S	See also i	the additional information enclosed with this form.)
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			On behalf of	the Com	mission
			Much	MDa	In 11/19/13
Encl	osures(3)	Travis G. Hi Director		(Date Mailed)
cc:	10	EWIS M. BAILEY III & LEWIS M. BA D2 Spratlin St. ruce, MS 38915		Souther A Project 311 Plus	M. Graves, Staff Attorney In Migrant Legal Services In Texas Rio Grande Legal Aid, Inc. In Park Blvd., Ste 135 Ie, TN 37217

Case 1:13-cv-00084 Document 22 Filed in TXSD on 02/28/14 Page 36 of 105

To:	2924 5	dro Robledo Stanolind Avenue nsville, TX 78521		From:	San Antonio Field Office 5410 Fredericksburg Rd Suite 200 San Antonio, TX 78229
		On behalf of person(s) aggrieved whos CONFIDENTIAL (29 CFR §1601.7(a))	e identity is		
EEO	C Charge	e No.	EEOC Representative	****************	Telephone No.
			Norma Guzman,		
451	-2013-0	10388	Enforcement Supervisor		(210) 281-7617
Νοτισ	CE TO THI	E PERSON AGGRIEVED:	(S	ee also i	the additional information enclosed with this form.)
Act (been of yo	GINA): issued a our recei	This is your Notice of Right to Sue, is at your request. Your lawsuit under	ssued under Title VII, the ADA Title VII, the ADA or GINA mu	or GINA st be file	or the Genetic Information Nondiscrimination to based on the above-numbered charge. It has ed in a federal or state court <u>WITHIN 90 DAYS</u> the time limit for filing suit based on a claim under
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			On behalf of t	he Com	mission
-	·		Mer Shu	Ron	In 11/19/13
Enci	osures(s	5)	Travis G. Hid Director	cks,	(Date Mailed)
cc:	10	EWIS M. BAILEY III & LEWIS M. BA D2 Spratlin St. ruce, MS 38915		Souther A Project 311 Plus	M. Graves, Staff Attorney In Migrant Legal Services It of Texas Rio Grande Legal Aid, Inc. Is Park Blvd., Ste 135 Ie, TN 37217

EEOC Form 161-B (17/09) Case 1:13-cv-000 St EQUALEMPLO THE FILE OF PORTUNITY COMMISSION Page 37 of 105

NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

То:	1013 J	n Garcia efferson Street sville, TX 78526		From:	San Antonio Field Office 5410 Fredericksburg Rd Suite 200 San Antonio, TX 78229	
		On behalf of person(s) aggrieved whose CONFIDENTIAL (29 CFR §1601.7(a))	e identity is			
EEO	C Charge	No.	EEOC Representative		Telephone No.	
			Norma Guzman,		40404 004 00	
451-	-2013-0	0387	Enforcement Supervisor		(210) 281-76	****
Notic	E TO THE	PERSON AGGRIEVED:	(8)	ee also t	the additional information enclosed with	i this form.)
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[The EEOC will continue to process	this charge.		:	
Age Discrimination in Employment Act (ADEA): You may sue under the ADEA at any time from 60 days after the charge was filed until 90 days after you receive notice that we have completed action on the charge. In this regard, the paragraph marked below applies to your case: The EEOC is closing your case. Therefore, your lawsuit under the ADEA must be filed in federal or state court WITHIN					pplies to	
[g of your ADEA case. Howeve	er, if 60 d	ised on the above-numbered charge wi	
Equal Pay Act (EPA): You already have the right to sue under the EPA (filing an EEOC charge is not required.) EPA suits must be brought in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.						
If you	file suit,	based on this charge, please send a	copy of your court complaint to	this offic	ce.	
			On behalf of t	he Comi	mission	
			There who	00	2/2 /1/19	1/13
Encl	osures(s)	Travis G. Hi Director	,	(Date Mai	led)
cc: `	10	EWIS M. BAILEY III & LEWIS M. B. D2 Spratlin St. ruce, MS 38915		Souther A Project 311 Plus	M. Graves, Staff Attorney rn Migrant Legal Services ct of Texas Rio Grande Legal Aid, Ind s Park Blvd., Ste 135 le, TN 37217	3 .

Case 1:13-cv-00084 Document 22 Filed in TXSD on 02/28/14 Page 38 of 105 ECOC Form 161-B (11/09) Page 38 of 105

NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

481	e Francisco Escobedo Willow Lane wnsville, TX 78521		From:	San Antonio Field Office 5410 Fredericksburg Rd Suite 200 San Antonio, TX 78229	
	On behalf of person(s) aggrieved CONFIDENTIAL (29 CFR §1601.	whose identity is 7(a))			
EEOC Cha	rge No.	EEOC Representative	<u></u>	Telephone No.	
454 0040		Norma Guzman,			
451-2013		Enforcement Superviso	·	(210) 281-7617	
NOTICE TO T	HE PERSON AGGRIEVED:	(See also	the additional information enclosed with this form.)	
been issued of your red	: This is your Notice of Right to S d at your request. Your lawsuit ur	ue, issued under Title VII, the AD/ nder Title VII, the ADA or GINA m	A or GINA ust be fil	or the Genetic Information Nondiscrimination A based on the above-numbered charge. It has led in a federal or state court <u>WITHIN 90 DAYS</u> the time limit for filing suit based on a claim under	
X	More than 180 days have pass	sed since the filing of this charge.			
	Less than 180 days have pass be able to complete its adminis	ed since the filing of this charge, l strative processing within 180 day	but I have s from the	e determined that it is unlikely that the EEOC will e filing of this charge.	
X	The EEOC is terminating its pr	ocessing of this charge.		•	
	The EEOC will continue to pro-	cess this charge.		:	
Age Discrimination in Employment Act (ADEA): You may sue under the ADEA at any time from 60 days after the charge was filed until 90 days after you receive notice that we have completed action on the charge. In this regard, the paragraph marked below applies to your case: The EEOC is closing your case. Therefore, your lawsuit under the ADEA must be filed in federal or state court WITHIN 90 DAYS of your receipt of this Notice. Otherwise, your right to sue based on the above-numbered charge will be lost.					
	The EEOC is continuing its har you may file suit in federal or s	ndling of your ADEA case. Howevertate court under the ADEA at this	ver, if 60 o time.	days have passed since the filing of the charge,	
Equal Pay Act (EPA): You already have the right to sue under the EPA (filing an EEOC charge is not required.) EPA suits must be brought in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.					
lf you file su	it, based on this charge, please se	nd a copy of your court complaint t	to this offic	Ce.	
		On behalf of	the Com	mission	
Coolean vers	· (a)	Muxily	M.	2 dn 11/19/13	
Enclosures	5(8 <i>)</i>	Travis G. H Directo		(Date Mailed)	
	LEWIS M. BAILEY III & LEWIS N 102 Spratlin St. Bruce, MS 38915	1. BAILEY IV	Souther	M. Graves, Staff Attorney rn Migrant Legal Services ct of Texas Rio Grande Legal Aid, Inc.	

311 Plus Park Blvd., Ste 135

Nashville, TN 37217

Case 1:13-cv-00084 Document 22 Filed in TXSD on 02/28/14 Page 39 of 105

NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

To:	1039	A. Jimenez Beaver Lake nsville, TX 78520		From:	San Antonio Field Office 5410 Fredericksburg Rd Suite 200 San Antonio, TX 78229	
		On behalf of person(s) aggrieved whose CONFIDENTIAL (29 CFR §1601.7(a))	e identity is		, in the second	
EEC	C Charg	e No.	EEOC Representative		Telephone No.	
			Norma Guzman,			
451	-2013-	00372	Enforcement Supervisor		(210) 281-7617	
Notic	СЕ ТО ТН	E PERSON AGGRIEVED:	(8)	ee aiso i	the additional information enclosed with this form.)	
Act (been of yo	Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act (ADA), or the Genetic Information Nondiscrimination Act (GINA): This is your Notice of Right to Sue, issued under Title VII, the ADA or GINA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII, the ADA or GINA must be filed in a federal or state court <u>WITHIN 90 DAYS</u> of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filling suit based on a claim under state law may be different.)					
	X	More than 180 days have passed s	ince the filing of this charge.			
		Less than 180 days have passed si be able to complete its administration	nce the filing of this charge, buve processing within 180 days	it I have from the	determined that it is unlikely that the EEOC will filling of this charge.	
	X	The EEOC is terminating its proces	sing of this charge.			
		The EEOC will continue to process	this charge.			
90 da	Discrimays after case:	you receive notice that we have com The EEOC is closing your case. The	npleted action on the charge. In the charge is a seriefore, your lawsuit under the	n this re ADEA	y time from 60 days after the charge was filed until gard, the paragraph marked below applies to must be filed in federal or state court <u>WITHIN</u> sed on the above-numbered charge will be lost.	
			g of your ADEA case. Howeve	r, if 60 c	days have passed since the filing of the charge,	
Equal Pay Act (EPA): You already have the right to sue under the EPA (filing an EEOC charge is not required.) EPA suits must be brought in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.						
If you	ı file suit	, based on this charge, please send a	copy of your court complaint to	this offic	ce.	
		·	On behalf of t	he Comi	mission	
Encl	losures(s)	Travis G. Hic Director	/// :ks,	1//19/13 (Date Mailed)	
CC:	1	EWIS M. BAILEY III & LEWIS M. BA 02 Spratlin St. truce, MS 38915	NILEY IV	Souther A Projec 311 Plus	M. Graves, Staff Attorney n Migrant Legal Services ct of Texas Rio Grande Legal Aid, Inc. s Park Blvd., Ste 135 e, TN 37217	

EEOC Form 161-B (17/08) Page 40 of 105

NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

424	e Luis Rodriguez E. 10 th Street wnsville, TX 78520	Fro	m: San Antonio Field Office 5410 Fredericksburg Rd Suite 200 San Antonio, TX 78229	
	On behalf of person(s) aggrieved who CONFIDENTIAL (29 CFR §1601.7(a))			
EEOC Cha	rge No.	EEOC Representative	Telephone No.	
451-2013	3-00369	Norma Guzman, Enforcement Supervisor	(210) 281-7617	
Notice to 1	THE PERSON AGGRIEVED:	· · · · · · · · · · · · · · · · · · ·	also the additional information enclosed with this fo	orm.)
Title VII of Act (GINA) been issue of your red	the Civil Rights Act of 1964, the Ar : This is your Notice of Right to Sue, d at your request. Your lawsuit under	issued under Title VII, the ADA or G r Title VII, the ADA or GINA must be	OA), or the Genetic Information Nondiscriminat GINA based on the above-numbered charge. It ha e filed in a federal or state court <u>WITHIN 90 DA</u> . (The time limit for filing suit based on a claim un	as NYS
X	More than 180 days have passed	since the filing of this charge.		
	Less than 180 days have passed be able to complete its administra	since the filing of this charge, but I h tive processing within 180 days from	nave determined that it is unlikely that the EEOC vn the filing of this charge.	vill
X	The EEOC is terminating its proce	essing of this charge.		
	The EEQC will continue to proces	s this charge.		
Age Discri 90 days aft your case:	The EEOC is closing your case. The DAYS of your receipt of this The EEOC is continuing its handli	Impleted action on the charge. In this implement in the AD Notice. Otherwise, your right to such	It any time from 60 days after the charge was filed its regard, the paragraph marked below applies DEA must be filed in federal or state court WITI be based on the above-numbered charge will be lose 60 days have passed since the filing of the charge	to HIN st.
in federal o	Act (EPA): You already have the righ	t to sue under the EPA (filing an EEC willful violations) of the alleged EPA	OC charge is not required.) EPA suits must be brouunderpayment. This means that backpay due fo	ught •r
If you file su	uit, based on this charge, please send	a copy of your court complaint to this	office.	
	·	On behalf of the C	Commission	
Enclosure	s(s)	Travis G. Hicks, Director	n fr 11/19/13 (Date Mailed)	
cc:	LEWIS M. BAILEY III & LEWIS M. E 102 Spratlin St. Bruce, MS 38915	Sout	iela M. Graves, Staff Attorney thern Migrant Legal Services roject of Texas Rio Grande Legal Aid, Inc.	

311 Plus Park Blvd., Ste 135

Nashville, TN 37217

Case 1:13-cv-00084 Document 22 Filed in TXSD on 02/28/14 Page 41 of 105 EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

NOTICE OF RIGHT TO	SUE (ISSUED	ON REQUEST
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То:	16-44	ndo Aguilar W. Adams nsville, TX 78520		From:	San Antonio Field Office 5410 Fredericksburg Rd Suite 200 San Antonio, TX 78229
		On behalf of person(s) aggrieved whos CONFIDENTIAL (29 CFR §1601.7(a))	e identity is		
EEC	OC Charge	e No.	EEOC Representative		Telephone No.
451	I-2013-(00368	Norma Guzman, Enforcement Supervisor		(210) 281-7617
More	05 TO TH	E PERSON AGGRIEVED:	(S	ee also i	the additional information enclosed with this form.)
Title Act (been of yo	VII of the (GINA): I issued a cour received	ne Civil Rights Act of 1964, the Am This is your Notice of Right to Sue, is at your request. Your lawsuit under	ssued under Title VII, the ADA Title VII, the ADA or GINA mus	or GINA st be file	or the Genetic Information Nondiscrimination based on the above-numbered charge. It has ed in a federal or state court <u>WITHIN 90 DAYS</u> ne time limit for filing suit based on a claim under
	X	More than 180 days have passed s	ince the filing of this charge.		
		Less than 180 days have passed s be able to complete its administrati	ince the filing of this charge, buve processing within 180 days	it I have from the	determined that it is unlikely that the EEOC will effling of this charge.
	X	The EEOC is terminating its proces	sing of this charge.		
:		The EEOC will continue to process	this charge.		
90 da	Discrim ays after case:	you receive notice that we have con	npleted action on the charge. I	n this re	y time from 60 days after the charge was filed until gard, the paragraph marked below applies to
		90 DAYS of your receipt of this N	otice. Otherwise, your right to	sue ba	must be filed in federal or state court <u>WITHIN</u> sed on the above-numbered charge will be lost.
		The EEOC is continuing its handling you may file suit in federal or state	g of your ADEA case. Howeve court under the ADEA at this ti	er, if 60 c me.	days have passed since the filing of the charge,
in fed	deral or s	et (EPA): You already have the right tate court within 2 years (3 years for visith that occurred more than 2 years	villful violations) of the alleged E	EPA und	charge is not required.) EPA suits must be brought erpayment. This means that backpay due for ot be collectible.
lf you	ı file suit,	based on this charge, please send a	copy of your court complaint to	this offic	ce.
•			On behalf of t	he Com	mission
Enc	losures(s	3)	Travis G. Hic Director	ks,	11/19/13 (Date Mailed)
cc:	10	EWIS M. BAILEY III & LEWIS M. BA D2 Spratlin St. ruce, MS 38915		Souther A Project 311 Plus	M. Graves, Staff Attorney on Migrant Legal Services ot of Texas Rio Grande Legal Aid, Inc. os Park Blvd., Ste 135 le, TN 37217

Plaintiffs' Second Amended Complaint, Exhibit A

Case 1:13-cv-00084 Document 22 Filed in TXSD on 02/28/14 Page 42 of 105 ECCC Form 161-B (11/09) Page 42 of 105

NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

To:	604 FI	o Sanchez-Botello orence Lane nsville, TX 78520		From:	San Antonio Field Office 5410 Fredericksburg Rd Suite 200 San Antonio, TX 78229
		On behalf of person(s) aggrieved whose CONFIDENTIAL (29 CFR §1601.7(a))	e identity is		
EEC	C Charge	e No.	EEOC Representative		Telephone No.
4=4	00404		Norma Guzman,		
451	-2013-0	JU367	Enforcement Supervisor		(210) 281-7617
Note	CE TO TH	E PERSON AGGRIEVED:	(30	ee aiso t	the additional information enclosed with this form.)
Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act (ADA), or the Genetic Information Nondiscrimination Act (GINA): This is your Notice of Right to Sue, issued under Title VII, the ADA or GINA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII, the ADA or GINA must be filed in a federal or state court WITHIN 90 DAYS of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)					
	X	More than 180 days have passed s	ince the filing of this charge.		
		Less than 180 days have passed si be able to complete its administration	nce the filing of this charge, buve processing within 180 days	it I have from the	determined that it is unlikely that the EEOC will efling of this charge.
	X	The EEOC is terminating its proces	sing of this charge.		
		The EEOC will continue to process	this charge.		
90 da	Discrimays after case:	you receive notice that we have com	ppleted action on the charge. I	n this re	y time from 60 days after the charge was filed until gard, the paragraph marked below applies to
		The EEOC is closing your case. The 90 DAYS of your receipt of this N	erefore, your lawsuit under the otice. Otherwise, your right to	ADEA sue ba	must be filed in federal or state court <u>WITHIN</u> sed on the above-numbered charge will be lost.
		The EEOC is continuing its handling you may file suit in federal or state of	g of your ADEA case. Howeve court under the ADEA at this ti	r, if 60 c me.	days have passed since the filing of the charge,
in fed	teral or s	ct (EPA): You already have the right tate court within 2 years (3 years for was that occurred more than 2 years	villful violations) of the alleged E	PA und	harge is not required.) EPA suits must be brought erpayment. This means that backpay due for ot be collectible.
If you	ı file suit,	based on this charge, please send a	copy of your court complaint to	this offic	ce.
			On behalf of t	he Com	mission
			July John	ALL	John 11/19/13
Enc	losures(3)	Trav i s G. Hid Director	ks,	(Date Mailed)
cc:	1	EWIS M. BAILEY III & LEWIS M. BA 02 Spratlin St. ruce, MS 38915		Souther A Projec 311 Plus	M. Graves, Staff Attorney on Migrant Legal Services ct of Texas Rio Grande Legal Aid, Inc. is Park Blvd., Ste 135 le, TN 37217

Case 1:13-cv-00084 EQUAL EMPLOYMENT OPPORTUNITY COMMISSION Page 43 of 105

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NIOTICE OF	PICUT TO	SIIE.	//cc//////	ON WEATHERT
NULLE	INGHI IO	JUE	いううひピレー	ON REQUEST)
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To:	5107 E	an Robledo, Jr. Boca Chica, #68 Isville, TX 78521		From:	San Antonio Field Office 5410 Fredericksburg Rd Suite 200 San Antonio, TX 78229
[On behalf of person(s) aggrieved whos CONFIDENTIAL (29 CFR §1601.7(a))	se identity is		
EEO	C Charge	No.	EEOC Representative	* - *- *	Telephone No.
451	-2013-0	0366	Norma Guzman, Enforcement Supervisor	r	(210) 281-7617
		_	(\$	See also	the additional information enclosed with this form.)
Title 'Act (6 been of you	VII of th GINA): issued a ur recei law may	This is your Notice of Right to Sue, i at your request. Your lawsuit under	ssued under Title VII, the ADA Title VII, the ADA or GINA mu	or GINA Sist be file	or the Genetic Information Nondiscrimination A based on the above-numbered charge. It has ed in a federal or state court <u>WITHIN 90 DAYS</u> he time limit for filing suit based on a claim under
	X	More than 180 days have passed s	since the filing of this charge.		
[Less than 180 days have passed s be able to complete its administrati	since the filing of this charge, b ive processing within 180 days	out I have s from the	e determined that it is unlikely that the EEOC will e filing of this charge.
[X	The EEOC is terminating its proces	ssing of this charge.		
[The EEOC will continue to process	this charge.		
90 da	Discrim ys after case:	you receive notice that we have cor The EEOC is closing your case. T	npleted action on the charge. herefore, your lawsuit under the	In this rene ne ADEA	y time from 60 days after the charge was filed until egard, the paragraph marked below applies to must be filed in federal or state court <u>WITHIN</u>
_		90 DAYS of your receipt of this N	Notice. Otherwise, your right t	to sue ba	ised on the above-numbered charge will be lost.
L		The EEOC is continuing its handlin you may file suit in federal or state	g of your ADEA case. Howev court under the ADEA at this	er, if 60 d time.	days have passed since the filing of the charge,
in fede	eral or s	et (EPA): You already have the right late court within 2 years (3 years for s that occurred more than 2 years	willful violations) of the alleged	EPA und	charge is not required.) EPA suits must be brought derpayment. This means that backpay due for not be collectible.
lf you	file suit,	based on this charge, please send a	copy of your court complaint t	o this offic	ce.
			On behalf of	the Com	nmission
			nur John	016	2/11/19/13
Enclo	osures(s	()	Travis G. H Directo	icks,	(Date Mailed)
CC:	10	EWIS M. BAILEY III & LEWIS M. B. 02 Spratlin St. ruce, MS 38915	AILEY IV	Souther A Project 311 Plus	M. Graves, Staff Attorney rn Migrant Legal Services ct of Texas Rio Grande Legal Aid, Inc. s Park Blvd., Ste 135 le, TN 37217

EEOC Form 161-B CHASSE 1:13-CV-0008. EQUALITEMPL OF MENIODE TAND PROPERTY P

		Notic	CE OF RIGHT TO SUE (IS	SUED O	ON REQUEST)	
To:	9049	Luis Alvarez Valle Hermoso nsville, TX 78521		From:	San Antonio Field Office 5410 Fredericksburg Rd Suite 200 San Antonio, TX 78229	
		On behalf of person(s) aggrieved CONFIDENTIAL (29 CFR §1601				
EEO	C Charg	e No.	EEOC Representative		Telephone No.	
451	-2013-0	00365	Norma Guzman, Enforcement Supervis	or	(210) 281-7617	,
Nove		E PERSON AGGRIEVED:		(See also	the additional information enclosed with th	is form.)
Act (been of yo	GINA): issued our rece	This is your Notice of Right to : at your request. Your lawsuit u	Sue, issued under Title VII, the AI under Title VII, the ADA or GINA r	DA or GINA nust be fil	, or the Genetic Information Nondiscrimi A based on the above-numbered charge. It led in a federal or state court <u>WITHIN 90</u> The time limit for filing suit based on a claim	t has
	X	More than 180 days have pas	ssed since the filing of this charge	·.		
		Less than 180 days have pas be able to complete its admin	ssed since the filing of this charge histrative processing within 180 da	, but I have lys from the	e determined that it is unlikely that the EEO ne filing of this charge.	C will
	X	The EEOC is terminating its p	processing of this charge.			
		The EEOC will continue to pro-	ocess this charge.			
90 da	Discrim ays after case:	you receive notice that we have The EEOC is closing your case.	ve completed action on the charge se. Therefore, your lawsuit under	e. In this ret	ny time from 60 days after the charge was fi egard, the paragraph marked below appl A must be filed in federal or state court <u>W</u>	lies to
		The EEOC is continuing its ha		ever, if 60	ased on the above-numbered charge will be days have passed since the filing of the charge	
n tea	leral or s	tate court within 2 years (3 year	e right to sue under the EPA (filing rs for willful violations) of the allege <u>years (3 years)</u> before you file	ed EPA und	charge is not required.) EPA suits must be t derpayment. This means that backpay due not be collectible.	orought ∍ for
f you	file suit,	based on this charge, please s	end a copy of your court complain	t to this offi	îce.	
			On behalf	of the Com	nmission	
Encl	osures(s	3)	Trakis G. Direct		n fn ///9/12 (Date Mailed)	3
cc:	10	EWIS M. BAILEY III & LEWIS 02 Spratlin St. ruce, MS 38915	M. BAILEY IV	Souther A Proje- 311 Plu	M. Graves, Staff Attorney rn Migrant Legal Services ect of Texas Rio Grande Legal Aid, Inc. is Park Blvd., Ste 135 lie, TN 37217	

Plaintiffs' Second Amended Complaint, Exhibit A

EEOC Form 161-B (1) ASE 1:13-CV-00084E COACUEMPLO PAGE 150 PORTUNITO COMMISSION Page 45 of 105

NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)					
2431	Luis Aguilera Roosevelt nsville, TX 78521	ŗ	From:	San Antonio Field Office 5410 Fredericksburg Rd Suite 200 San Antonio, TX 78229	
	On behalf of person(s) aggrieve CONFIDENTIAL (29 CFR §160	nd whose identity is 1.7(a))			
EEOC Charg	e No.	EEOC Representative		Telephone No.	
451-2013-	00364	Norma Guzman, Enforcement Supervisor		(210) 281-7617	
Fitle VII of the Act (GINA): been issued	This is your Notice of Right to at your request. Your lawsuit	he Americans with Disabilities Act (Sue, issued under Title VII, the ADA o under Title VII, the ADA or GINA mus	ADA), or GINA t be file	or the Genetic Information enclosed with this form. or the Genetic Information Nondiscrimination based on the above-numbered charge. It has ed in a federal or state court WITHIN 90 DAYS	
state law ma	y be different.)		ost. (Ti	he time limit for filing suit based on a claim under	
<u>x</u>	Less than 180 days have pa	issed since the filing of this charge. ssed since the filing of this charge, but nistrative processing within 180 days fi	I have	determined that it is unlikely that the EEOC will effiling of this charge.	
X	The EEOC is terminating its	processing of this charge.			
	The EEOC will continue to p				
Age Discrim 00 days after our case:	ination in Employment Act of you receive notice that we ha	(ADEA): You may sue under the ADEA ve completed action on the charge. In	A at any this re	y time from 60 days after the charge was filed untilegard, the paragraph marked below applies to	
	The EEOC is closing your ca 90 DAYS of your receipt of	ase. Therefore, your lawsuit under the this Notice. Otherwise, your right to	ADEA sue ba	must be filed in federal or state court <u>WITHIN</u> sed on the above-numbered charge will be lost.	
	The EEOC is continuing its has you may file suit in federal or	nandling of your ADEA case. However state court under the ADEA at this time	, if 60 c ne.	days have passed since the filing of the charge,	
n federal or s	state court within 2 years (3 yea	e right to sue under the EPA (filing an E irs for willful violations) of the alleged EF 2 years (3 years) before you file suit	A und	charge is not required.) EPA suits must be brought erpayment. This means that backpay due for ot be collectible.	
f you file suit	, based on this charge, please	send a copy of your court complaint to t	his offic	ce.	

Enclosures(s)

On behalf of the Commission

Travis G. Hicks,

Director

cc:

LEWIS M. BAILEY III & LEWIS M. BAILEY IV 102 Spratlin St. Bruce, MS 38915

Angela M. Graves, Staff Attorney Southern Migrant Legal Services A Project of Texas Rio Grande Legal Aid, Inc. 311 Plus Park Blvd., Ste 135 Nashville, TN 37217

(Date Mailed)

EEOC Form 161-B (TIME) Page 1:13-CV-00088. EQUALIFIED FORTUNITY COMMISSION Page 46 of 105

	• • •		
	Notic	E OF RIGHT TO SUE (ISSUED O	ON REQUEST)
1254 I	M. Flores Galvan E. Tyler Street nsville, TX 78520	From	San Antonio Field Office 5410 Fredericksburg Rd Suite 200 San Antonio, TX 78229
	On behalf of person(s) aggrieved CONFIDENTIAL (29 CFR §1601.	whose identity is 7(a))	
EEOC Charge	e No.	EEOC Representative	Telephone No.
451-2013-0	00363	Norma Guzman, Enforcement Supervisor	(210) 281-7617
NOTICE TO TH	E PERSON AGGRIEVED:	(See also	o the additional information enclosed with this form.
Act (GINA): been issued a of your rece	This is your Notice of Right to S at your request. Your lawsuit u	Sue, issued under Title VII, the ADA or GIN nder Title VII, the ADA or GINA must be f), or the Genetic Information Nondiscrimination IA based on the above-numbered charge. It has illed in a federal or state court WITHIN 90 DAYS. The time limit for filing suit based on a claim under
X	More than 180 days have pas	sed since the filing of this charge.	
	Less than 180 days have pass be able to complete its admini	sed since the filing of this charge, but I hav strative processing within 180 days from t	ve determined that it is unlikely that the EEOC will he filing of this charge.
X	The EEOC is terminating its p	rocessing of this charge.	
	The EEOC will continue to pro	ocess this charge.	:
Age Discrim 90 days after your case:	ination in Employment Act (A you receive notice that we have	DEA): You may sue under the ADEA at a e completed action on the charge. In this	ny time from 60 days after the charge was filed until regard, the paragraph marked below applies to
	The EEOC is closing your case 90 DAYS of your receipt of the	e. Therefore, your lawsuit under the ADE his Notice. Otherwise, your right to sue b	A must be filed in federal or state court <u>WITHIN</u> based on the above-numbered charge will be lost.
	The EEOC is continuing its ha you may file suit in federal or s	ndling of your ADEA case. However, if 60 state court under the ADEA at this time.	days have passed since the filing of the charge,
n rederal or s	tate court within 2 years (3 years	right to sue under the EPA (filing an EEOC s for willful violations) of the alleged EPA ur years (3 years) before you file suit may	charge is not required.) EPA suits must be brought derpayment. This means that backpay due for not be collectible.
f you file suit,	based on this charge, please se	end a copy of your court complaint to this of	ffice.
		On behalf of the Co	mmission

Enclosures(s)

CC:

LEWIS M. BAILEY III & LEWIS M. BAILEY IV

102 Spratlin St. Bruce, MS 38915 Angela M. Graves, Staff Attorney Southern Migrant Legal Services A Project of Texas Rio Grande Legal Aid, Inc. 311 Plus Park Blvd., Ste 135 Nashville, TN 37217

Travis G. Hicks, Director EEOC Form 161-B (TIME) Page 47 of 105

NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

510	ia Guadalupe Robledo 7 Bocachica #68 wnsville, TX 78521		From:	San Antonio Field Office 5410 Fredericksburg Rd Suite 200 San Antonio, TX 78229
	On behalf of person(s) aggrieved wh CONFIDENTIAL (29 CFR §1601.7(a			
EEOC Cha	rge No.	EEOC Representative		Telephone No.
		Norma Guzman,		
451-201	3-00362	Enforcement Supervisor		(210) 281-7617
NOTICE TO	THE PERSON AGGRIEVED:	(Se	e also	the additional information enclosed with this form.)
Act (GINA been issue of your re-): This is your Notice of Right to Sue ed at your request. Your lawsuit und	e, issued under Title VII, the ADA er Title VII, the ADA or GINA mus	or GINA s t be fil e	or the Genetic Information Nondiscrimination A based on the above-numbered charge. It has led in a federal or state court <u>WITHIN 90 DAYS</u> The time limit for filing suit based on a claim under
X	More than 180 days have passe	d since the filing of this charge.		
	Less than 180 days have passed be able to complete its administr	d since the filing of this charge, buative processing within 180 days	t I have from the	e determined that it is unlikely that the EEOC will be filing of this charge.
X	The EEOC is terminating its production	cessing of this charge.		
	The EEOC will continue to proce	ess this charge.		:
Age Discr 90 days af your case	ter you receive notice that we have o	EA): You may sue under the ADE completed action on the charge.	A at an n this re	ny time from 60 days after the charge was filed until egard, the paragraph marked below applies to
	The EEOC is closing your case. 90 DAYS of your receipt of this	Therefore, your lawsuit under the s Notice . Otherwise, your right to	ADEA sue ba	A must be filed in federal or state court <u>WITHIN</u> ased on the above-numbered charge will be lost.
	The EEOC is continuing its hand you may file suit in federal or sta	lling of your ADEA case. Howeve te court under the ADEA at this ti	r, if 60 o	days have passed since the filing of the charge,
in federal o	Act (EPA): You already have the rig or state court within 2 years (3 years for ions that occurred more than 2 ye	or willful violations) of the alleged E	PA und	charge is not required.) EPA suits must be brought derpayment. This means that backpay due for not be collectible.
If you file s	uit, based on this charge, please send	d a copy of your court complaint to	this offi	fice.
		On behalf of t	ne Com	nmission
		-Muc Shu	4/2	In 11/19/13
Enclosure	es(s)	Travis G. Hic Director	ks,	(Date Mailed)
cc:	LEWIS M. BAILEY III & LEWIS M. 102 Spratlin St. Bruce, MS 38915	3	Souther A Proje	n M. Graves, Staff Attorney ern Migrant Legal Services ect of Texas Rio Grande Legal Aid, Inc. us Park Blvd., Ste 135

Nashville, TN 37217

EEOC Form 161-B (1/09) Case 1:13-cv-00084. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION Page 48 of 105

	Notice	OF RIGHT TO SUE (ISSUED OF	N REQUEST)
2800	Humberto Aguilera Sr Chaparral Street #2A nsville, TX 78521	From:	San Antonio Field Office 5410 Fredericksburg Rd Suite 200 San Antonio, TX 78229
	On behalf of person(s) aggrieved who CONFIDENTIAL (29 CFR §1601.7(a)		
EEOC Charg	e No.	EEOC Representative	Telephone No.
454 0040	0004	Norma Guzman,	
451-2013-	00361	Enforcement Supervisor	(210) 281-7617
NOTICE TO TH	E PERSON AGGRIEVED:	(See also	the additional information enclosed with this form.
Act (GINA): been issued of your rece	This is your Notice of Right to Sue, at your request. Your lawsuit unde ipt of this notice; or your right to sy be different.) More than 180 days have passed Less than 180 days have passed	issued under Title VII, the ADA or GINA re Title VII, the ADA or GINA must be file oue based on this charge will be lost. (The Isince the filing of this charge, but I have ative processing within 180 days from the essing of this charge.	or the Genetic Information Nondiscrimination A based on the above-numbered charge. It has ed in a federal or state court WITHIN 90 DAYS he time limit for filing suit based on a claim under determined that it is unlikely that the EEOC will be filing of this charge.
Age Discrim 90 days after your case:	you receive notice that we have co	ompleted action on the charge. In this re	y time from 60 days after the charge was filed unti egard, the paragraph marked below applies to must be filed in federal or state court WITHIN
	90 DAYS of your receipt of this The EEOC is continuing its handle	Notice. Otherwise, your right to sue ba	sed on the above-numbered charge will be lost. days have passed since the filing of the charge,
n rederal or s	state court within 2 years (3 years for	nt to sue under the EPA (filing an EEOC or r willful violations) of the alleged EPA und rs (3 years) before you file suit may n	charge is not required.) EPA suits must be brought lerpayment. This means that backpay due for ot be collectible.
fuor flooris	based on this aboves alones as all		

If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission

Enclosures(s)

Director

CC:

LEWIS BAILEY III & LEWIS M. BAILEY IV 102 Spratlin Street Bruce, MS 38915

Angela M. Graves LAW OFFICE OF TEXAS RIOGRANDE LEGAL AID, Southern Migrant Legal Service 311 Plus Park Blvd., Suite 135 Nashville, TN 37217

NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

То:	MaryLu Garcia 2924 Stanolind Avenue Brownsville, TX 78521		;	San Antonio Field 5410 Fredericksb Suite 200 San Antonio, TX 7	urg Rd
(On behalf of person(s) aggrieven				
EEO	C Charge No.	EEOC Representative			Telephone No.
		Norma Guzman,			
451	-2013-00360	Enforcement Superv	sor		(210) 281-7617
Title Act (been of yo	CE TO THE PERSON AGGRIEVED: VII of the Civil Rights Act of 1964, GINA): This is your Notice of Right to issued at your request. Your lawsuit our receipt of this notice; or your rig	o Sue, issued under Title VII, the a t under Title VII, the ADA or GINA	Act (ADA), o ADA or GINA I must be file	r the Genetic Info based on the abov d in a federal or s	e-numbered charge. It has tate court <u>WITHIN 90 DAYS</u>
state I	law may be different.)				
į		assed since the filing of this char			
		assed since the filing of this charg iinistrative processing within 180			
	X The EEOC is terminating its	s processing of this charge.			
	The EEOC will continue to	process this charge.			
90 da	Discrimination in Employment Act ays after you receive notice that we h case:				
	The EEOC is closing your c	case. Therefore, your lawsuit und of this Notice. Otherwise, your ri	er the ADEA right to sue bas	nust be filed in fe ed on the above-n	deral or state court <u>WITHIN</u> umbered charge will be lost.
		handling of your ADEA case. Ho or state court under the ADEA at t		ays have passed s	ince the filing of the charge,
in fed	al Pay Act (EPA): You already have the deral or state court within 2 years (3 ye wiolations that occurred more than	ears for willful violations) of the alle	ged EPA unde	rpayment. This m	d.) EPA suits must be brought eans that backpay due for
lf you	ı file suit, based on this charge, please	e send a copy of your court compla	int to this offic	е.	
		On beha	lf of the Comn	nission	
		- Alle A	Auror	do	
Encl	losures(s)	Travis G Dire	•	7	(Date Mailed)
cc:	LEWIS M. BAILEY III & LEWI 102 Spratlin St. Bruce, MS 38915	IS M. BAILEY IV		f. Graves, Staff A	

A Project of Texas Rio Grande Legal Aid, Inc. 311 Plus Park Blvd., Ste 135 Nashville, TN 37217

NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

То:	1025 V	Mata Vildrose Lane, 901B sville, TX 78520		5410 Fred Suite 200	nio Field Office Iericksburg Rd nio, TX 78229
		On behalf of person(s) aggrieved of CONFIDENTIAL (29 CFR §1601.7			
EEO	C Charge	No.	EEOC Representative		Telephone No.
			Norma Guzman,		
451	-2013-0	0359	Enforcement Super	/isor	(210) 281-7617
Title ' Act (6 been	VII of th GINA): issued a	This is your Notice of Right to Si at your request. Your lawsuit ur	ue, issued under Title VII, the nder Title VII, the ADA or GIN	es Act (ADA), or the Ger ADA or GINA based on A must be filed in a fed	nal information enclosed with this form.) The etic Information Nondiscrimination the above-numbered charge. It has the eral or state court WITHIN 90 DAYS to for filing suit based on a claim under
		be different.)			one a significant succession a significance
	X	More than 180 days have pass	sed since the filing of this cha	rge.	
[Less than 180 days have pass be able to complete its adminis			d that it is unlikely that the EEOC will is charge.
	X	The EEOC is terminating its pr	ocessing of this charge.		
		The EEOC will continue to pro	cess this charge.	:	
90 da		you receive notice that we have	e completed action on the cha e. Therefore, your lawsuit un	arge. In this regard, the part der the ADEA must be fi	60 days after the charge was filed until paragraph marked below applies to led in federal or state court WITHIN above-numbered charge will be lost.
[The EEOC is continuing its har you may file suit in federal or s			passed since the filing of the charge,
in fed	eral or s	ct (EPA): You already have the tate court within 2 years (3 years is that occurred more than 2 years	for willful violations) of the all	eged EPA underpayment	ot required.) EPA suits must be brought. This means that backpay due for ectible.
lf you	file suit,	based on this charge, please se	end a copy of your court comp	laint to this office.	
			On beh	alf of the Commission	
			Much	Hungan da	11/19/13
Encl	osures(· · · · · · · · · · · · · · · · · · ·		G. Hicks, V ector	(Date Mailed)
cc:		EWIS M. BAILEY III & LEWIS I 02 Spratlin St.	M. BAILEY IV	Angela M. Graves	, Staff Attorney

Southern Migrant Legal Services A Project of Texas Rio Grande Legal Aid, Inc. 311 Plus Park Blvd., Ste 135 Nashville, TN 37217

Bruce, MS 38915

EEOC Form 161-B (11/09)

Bruce, MS 38915

NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

То:		arcia ocachica #73 sville, TX 78521		From:	San Antonio Field Office 5410 Fredericksburg Rd Suite 200 San Antonio, TX 78229	
		On behalf of person(s) aggrieved who CONFIDENTIAL (29 CFR §1601.7(a)				
EEC	C Charge	No.	EEOC Representative	•	Telephone No.	
			Norma Guzman	,		
451	-2013-0	0351	Enforcement Su	pervisor	(210) 281-7617	
		_		(See also t	the additional information enclosed with this for	m.)
		PERSON AGGRIEVED:			d. O. del farmation black to det	
Act (been of yo	(GINA): 3 issued a our recei	This is your Notice of Right to Sue, at your request. Your lawsuit unde	, issued under Title VII er Title VII, the ADA or	I, the ADA or GINA GINA must be file	or the Genetic Information Nondiscrimination A based on the above-numbered charge. It has led in a federal or state court WITHIN 90 DAY he time limit for filing suit based on a claim under the state of the state	<u>'S</u>
	X	More than 180 days have passed	d since the filing of this	charge.		
		Less than 180 days have passed be able to complete its administra			e determined that it is unlikely that the EEOC will e filing of this charge.	I
	X	The EEOC is terminating its proc	essing of this charge.			
		The EEOC will continue to proce	ss this charge.			
90 d	Discrim ays after case:	ination in Employment Act (ADE you receive notice that we have c	EA): You may sue und completed action on the	er the ADEA at an e charge. In this re	ny time from 60 days after the charge was filed u egard, the paragraph marked below applies t	ıntil o
		The EEOC is closing your case. 90 DAYS of your receipt of this	Therefore, your lawsus Notice. Otherwise, y	it under the ADEA our right to sue ba	A must be filed in federal or state court <u>WITHI</u> ased on the above-numbered charge will be lost	<u>N</u>
		The EEOC is continuing its hand you may file suit in federal or state			days have passed since the filing of the charge	1
in fed	deral or s	ct (EPA): You already have the rig tate court within 2 years (3 years for as that occurred more than 2 years	or willful violations) of th	ne alleged EPA und	charge is not required.) EPA suits must be broug derpayment. This means that backpay due for not be collectible.	ght
If you	u file suit	based on this charge, please send	d a copy of your court o	complaint to this offi	fice.	
		·	Or	behalf of the Com	nmission	
			Muc	Ahmn-	An 11/19/13	
End	closures(s)	Træ	ivis G. Hicks, Director	(Date Mailed)	
cc:		EWIS M. BAILEY III & LEWIS M. 02 Spratlin St.	BAILEY IV		a M. Graves, Staff Attorney	

Southern Migrant Legal Services
A Project of Texas Rio Grande Legal Aid, Inc.
311 Plus Park Blvd., Ste 135
Nashville, TN 37217

EEOC Form 5 (5/01) Charge Presented to: Agency(ies) Charge No(s): CHARGE OF DISCRIMINATION **FEPA** This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form. EEOC 451-2013-00386 TEXAS WORKFORCE COMMISSION CIVIL RIGHTS DIVISION and EEOC State or local Agency, if any Home Phone (Incl. Area Code) Date of Birth Name (indicate Mr. Ms. Mrs.) 06/07/1955 (956) 459-6189 Jose Francisco Escobedo City, State and ZIP Code Street Address Brownsville, TX 78521 481 Willow Ln Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.) Phone No. (Include Area Code) No. Employees, Members Name (Grower-Employers) Appx. 50 (662) 414-0821/ 983-5745 Lewis M. Bailey III & Lewis M. Bailey IV City, State and ZIP Code Street Address Bruce. MS 38915 102 Spratlin St. Name (Farm Labor Contractor Employers) No. Employees, Members Phone No. (Include Area Code) Аррх. 30 (662) 800-4569/800-4564 Jesus Cervantes & Andres Cervantes City, State and ZIP Code Street Address Edcouch, TX 78538 21901 Cedro Dr. DATE(S) DISCRIMINATION TOOK PLACE DISCRIMINATION BASED ON (Check appropriate box(es).) Earliest Latest May, 2012 June. 2012 X RACE COLOR SEX RELIGION X NATIONAL ORIGIN X CONTINUING ACTION _ RETALIATION __ AGE __ DISABILITY __ OTHER (Specify below.) THE PARTICULARS ARE (If additional paper is needed, attached extra spect(s)):.

Corrected by and n. Grang with permission, W/12/12 I am a Hispanic/Latino U.S. Citizen of Mexican next on a little In early May, 2012, I was recruited by Jesus ("Chuy") Cervantes in Brownsville, TX to migrate to Bruce, Mississippi for temporary agricultural employment, planting sweet potato plants, for Lewis Marshall Bailey III and Lewis Marshall Bailey IV. During the course of my employment for the Farm Labor Contractor (FLC) Jesus Cervantes, his agent Andres Cervantes, and the sweet potato growers Lewis Marshall Bailey III (a.k.a "Marshall") & Lewis Marshall Bailey IV (a.k.a "Sonny"), I encountered many problems with the working conditions, pay, and migrant housing provided by the employers. See attached addendum page. I want this charge filed with both the EEOC and the State or local Agency, NOTARY - When necessary for State and Local Agency Requirements if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures. I swear or a ve charge and I declare under penalty of perjury that the above is true and that it is true the be e, information and correct. SIGNATURE CO IBSCRIBED AND SWORN TO BEFORE ME (month, day, year) Charging Party Signature

I was part of a group of approximately 30 Hispanic/Latino workers, all of Mexican national origin. While we worked planting sweet potatoes all four of the employers named above would regularly yell at us and verbally harass us. On occasion they would make comments such as: "Mexicans don't know how to work"; and "vaya a chingar a su madre" (meaning "go fuck your mother"). There were no portable bathrooms provided until the end of the season and we were often not permitted to take breaks to relieve ourselves. The bosses would yell at us that we couldn't take a break because "time is money," and it was so bad that some of the workers even had accidents. Often we were not allowed to take our lunch break until much later than the expected time lunch hour, and they would sometimes give us as little as 15 minutes for our lunch break.

There were other workers of the growers who were not part of our group, and that group was made of local workers, including workers who were not Hispanic/Latino or of Mexican national origin. They were allowed to take breaks as they wished. They were provided with a tarp for protection for the sun, but even though some from our group requested a tarp, we were not given one.

When we were paid, we were expecting to be paid with checks, including withholdings for FICA, SS and Medicare and with paystubs indicating our hours, wages, deductions, etc. Instead, we were paid by cash. We were told we would be paid at \$8/hour, but many times Jesus or Andres Cervantes would make unauthorized deductions from our pay, thus decreasing the hourly wage. We believe that the other group of workers was paid by checks and at a rate of \$9/hour or higher.

The "housing" provided to us was awful. We expected housing that would meet federal standards but what we got was worse than a jail, and fit more for animals than people. We were taken to a warehouse where there were just dirty mattresses on the floor, with no bedding. There was no real shower, but only a pipe that had been rigged to use as a make-shift shower. There were only 2 toilets for everyone, and at times only one was functioning. The "bathroom" area and "kitchen" area were both open at the top so sounds and smells from the two areas mixed. The "kitchen" area was also insufficient with only a board set up to be like a table, no chairs, and two stoves and fridges that didn't properly function and were insufficient for those of us who were housed there.

I believe that I and the other workers were treated in a discriminatory manner because of our race and national origin, in violation of Title VII of the Civil Rights Act of 1964, as amended. The words and actions of Jesus Cervantes, Andres Cervantes, Lewis Marshall Bailey III, and Lewis Marshall Bailey IV created a hostile work environment. I am filing this charge on behalf of myself and the other workers of my crew who were treated in the same or similar manner.

I am represented by counsel in this matter. I request that any and all communications or correspondence for me be directed to my lawyer:

Angela Graves
Texas RioGrande Legal Aid, Southern Migrant Legal Services office 311 Plus Park Blvd., Suite 135
Nashville, TN 37217
(615) 750-1200; agraves@trla.org

Case 1:13-cv-00084 Document 22 Filed in TXSD on 02/28/14 Page 54 of 105

EEOC Form 5 (5/01)						
CHARGE OF DISCRIMINATION	Charge Presente	ed to: Agend	y(ies) Charge No(s):			
This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.	FEPA _X EEOC	451-	-2013-00387			
TEXAS WORKFORCE COMMISSION CIVIL RIGH State or local Ager	ncy, if any	and EEOC				
Name (indicate Mr. Ms. Mrs.)	Home Phone (Incl. A		Date of Birth			
Agustin Garcia	(956) 238-9979		08/28/1944			
Street Address City, State and ZIP Code 1013 Jefferson St. Brownsville, TX 78526						
Named is the Employer, Labor Organization, Employment Agency, App That I believe Discriminated Against Me or Others. (If more than two, list	renticeship Committee, st under PARTICULARS	or State or Local S <i>helow</i>)	Government Agency			
Name (Grower-Employers) No.	Employees, Members	Phone No. ((Include Area Code)			
	x. 50	(662) 414	4-0821/ 983-5745			
Street Address City, State and 2		·				
102 Spratlin St. Bruce, MS						
1	Employees, Members		(Include Area Code)			
desus del varites a viriares del varites	ox. 30	(662) 80	0-4569/800-4564			
Street Address City, State and						
21901 Cedro Dr. Edcouch, TX DISCRIMINATION BASED ON (Check appropriate box(es).)		TE(S) DISCRIMI	NATION TOOK PLACE			
) E	Earliest	Latest			
X RACECOLORSEXRELIGION X NATIONAL		•	June, 2012			
RETALIATIONAGEDISABILITYOTHER (Spec	cify below.)	CONTINUING A	CTION			
THE PARTICULARS ARE (If additional paper is needed, attache	ed extra sheet(s)):		***			
I am a Hispanic/Latino Mexican Citizen and Legal Permanent Resident of the U.S. In early May, 2012, I was recruited by Jesus ("Chuy") Cervantes in Brownsville, TX to migrate to Bruce, Mississippi for temporary agricultural employment, planting sweet potato plants, for Lewis Marshall Bailey III and Lewis Marshall Bailey IV. During the course of my employment for the Farm Labor Contractor (FLC) Jesus Cervantes, his agent Andres Cervantes, and the sweet potato growers Lewis Marshall Bailey III (a.k.a "Marshall") & Lewis Marshall Bailey IV (a.k.a "Sonny"), I encountered many problems with the working conditions, pay, and migrant housing provided by the employers.						
See attached addendum page.			**			
I want this charge filed with both the EEOC and the State or local Ager if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.		n necessary for	State and Local Agency CRIES			
I declare under penalty of perjury that the above is true and correct.	I swear or affirm that it is true to the belief. SIGNATURE OF	he best of my				
1/8/19 Charging Party Signature	SUBSCRIBED AN (month, day, yea		FORE ME THIS DATE			

I was part of a group of approximately 30 Hispanic/Latino workers, all of Mexican national origin. While we worked planting sweet potatoes all four of the employers named above would regularly yell at us and verbally harass us. On occasion they would make comments such as: "Mexicans don't know how to work"; "vaya a chingar a su madre" (meaning "go fuck your mother"); and telling us that even children could do a better job than we were doing. There were no portable bathrooms provided until the end of the season and we were often not permitted to take breaks to relieve ourselves. The bosses would yell at us that we couldn't take a break because "time is money," and it was so bad that some of the workers even had accidents. Often we were not allowed to take our lunch break until much later than the expected lunch hour, and they would sometimes give us as little as 20 minutes for our lunch break.

There were other workers of the growers who were not part of our group, and that group was made of local workers, including workers who were not Hispanic/Latino or of Mexican national origin. They were allowed to take breaks as they wished.

When we were paid, we were expecting to be paid with checks, including withholdings for FICA, SS and Medicare and with paystubs indicating our hours, wages, deductions, etc. Instead, we were paid by cash. We were told we would be paid at \$8/hour, but many times Jesus or Andres Cervantes would make unauthorized deductions from our pay, thus decreasing the hourly wage. We believe that the other group of workers was paid by checks and at a rate of \$9/hour or higher.

The "housing" provided to us was awful. We expected housing that would meet federal standards but what we got was worse than a jail, and fit more for animals than people. We were taken to a warehouse where there were just dirty mattresses on the floor, with no bedding. There was no real shower, but only a pipe that had been rigged to use as a make-shift shower. There were only 2 toilets for everyone, and only one was functioning. The "bathroom" area and "kitchen" area were both open at the top so sounds and smells from the two areas mixed. The "kitchen" area was also insufficient with only a board set up to be like a table and 2 stoves and 2 fridges that didn't properly function and were insufficient for the approximate 30 of us who were housed there.

One evening when were being paid for our work, Jesus tried to take \$100 from me which he incorrectly said that I owed him. I refused to give him the money since he hadn't paid me and I didn't owe him any money. At that moment, punched me hard in the stomach. Then he punched me hard above my upper lip and below my nose, making me bleed and giving me a scar. Then he took my wallet and took \$100 from it.

I believe that I and the other workers were treated in a discriminatory manner, because of our race and national origin, in violation of Title VII of the Civil Rights Act of 1964, as amended. The words and actions of Jesus Cervantes, Andres Cervantes, Lewis Marshall Bailey III, and Lewis Marshall Bailey IV created a hostile work environment. I am filing this charge on behalf of myself and the other workers of my crew who were treated in the same or similar manner.

Case 1:13-cv-00084 Document 22 Filed in TXSD on 02/28/14 Page 56 of 105

I am represented by counsel in this matter. I request that any and all communications or correspondence for me be directed to my lawyer:

Angela Graves
Texas RioGrande Legal Aid, Southern Migrant Legal Services office
311 Plus Park Blvd., Suite 135
Nashville, TN 37217
(615) 750-1200; agraves@trla.org

Case 1:13-cv-00084 Document 22 Filed in TXSD on 02/28/14 Page 57 of 105

EEOC Form 5 (5/01) Charge Presented to: Agency(ies) Charge No(s): CHARGE OF DISCRIMINATION This form is affected by the Privacy Act of 1974. See enclosed Privacy Act **FEPA** Statement and other information before completing this form. X EEOC 451-2013-00388 TEXAS WORKFORCE COMMISSION CIVIL RIGHTS DIVISION and EEOC State or local Agency, if any Name (indicate Mr. Ms. Mrs.) Home Phone (Incl. Area Code) Date of Birth Alejandro Robledo (956) 243-6899 12/27/1989 Street Address City, State and ZIP Code 2924 Stanolind Ave. Brownsville, TX 78521 Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.) Name (Grower-Employers) No. Employees, Members Phone No. (Include Area Code) **Appx. 50** Lewis M. Bailey III & Lewis M. Bailey IV (662) 414-0821/ 983-5745 Street Address City, State and ZIP Code 102 Spratlin St. Bruce, MS 38915 Name (Farm Labor Contractor Employers) No. Employees, Members Phone No. (Include Area Code) Jesus Cervantes & Andres Cervantes Appx. 30 (662) 800-4569/800-4564 Street Address City, State and ZIP Code 21901 Cedro Dr. Edcouch, TX 78538 DISCRIMINATION BASED ON (Check appropriate box(es).) DATE(S) DISCRIMINATION TOOK PLACE Earliest Latest X_RACE __COLOR __SEX __RELIGION X NATIONAL ORIGIN May, 2012 June, 2012 X CONTINUING ACTION X_RETALIATION __AGE __DISABILITY __OTHER (Specify below.) THE PARTICULARS ARE (If additional paper is needed, attached extra sheet(s)): I am a Hispanic/Latino U.S. Citizen of Mexican national origin. In early May, 2012, I was recruited by Jesus ("Chuy") Cervantes in Brownsville, TX to migrate to Bruce. Mississippi for temporary agricultural employment, planting sweet potato plants, for Lewis Marshall Bailey III and Lewis Marshall Bailey IV. During the course of my employment for the Farm Labor Contractor (FLC) Jesus Cervantes, his agent Andres Cervantes, and the sweet potato growers Lewis Marshall Bailey III (a.k.a "Marshall") & Lewis Marshall Bailey IV (a.k.a "Sonny"), I encountered many problems with the working conditions, pay, and migrant housing provided by the employers. See attached addendum page. I want this charge filed with both the EEOC and the State or local Agency, NOTARY - When necessary for State and Local Agency if any. I will advise the agencies if I change my address or phone number Requirements and I will cooperate fully with them in the processing of my charge in accordance with their procedures. he above charge and I declare under penalty of perjury that the above is true and correct. wledge, information and belief SIGNA SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)

I was part of a group of approximately 30 Hispanic/Latino workers, all of Mexican national origin. While we worked planting sweet potatoes all four of the employers named above would regularly yell at us and verbally harass us. On occasion they would make comments such as: "Mexicans don't know how to work"; "vaya a chingar a su madre" (meaning "go fuck your mother"); and telling us that even children could do a better job than we were doing. There were no portable bathrooms provided until the end of the season and we were often not permitted to take breaks to relieve ourselves. The bosses would yell at us that we couldn't take a break because "time is money," and it was so bad that some of the workers even had accidents. Often we were not allowed to take our lunch break until much later than the expected lunch hour, and they would sometimes give us as little as 15 minutes for our lunch break.

There were other workers of the growers who were not part of our group, and that group was made of local workers, including workers who were not Hispanic/Latino or of Mexican national origin. They were allowed to take breaks as they wished. They were provided with a tarp for protection for the sun, but even though some from our group requested a tarp, we were not given one.

When we were paid, we were expecting to be paid with checks, including withholdings for FICA, SS and Medicare and with paystubs indicating our hours, wages, deductions, etc. Instead, we were paid by cash. We were told we would be paid at \$8/hour, but many times Jesus or Andres Cervantes would make unauthorized deductions from our pay, thus decreasing the hourly wage. We believe that the other group of workers was paid by checks and at a rate of \$9/hour or higher.

The "housing" provided to us was awful. We expected housing that would meet federal standards but what we got was worse than a jail, and fit more for animals than people. We were taken to a warehouse where there were just dirty mattresses on the floor, with no bedding. There was no real shower, but only a pipe that had been rigged to use as a make-shift shower. There were only 2 toilets for everyone, and at times only one was functioning. The "bathroom" area and "kitchen" area were both open at the top so sounds and smells from the two areas mixed. The "kitchen" area was also insufficient with only a board set, up to be like a table and two stoves and two fridge that didn't properly function and were insufficient for the approximate 30 of us who were to be housed these.

The women complained because they did not feel comfortable to sleep and bathe in an open area with the men, and so they and a few others, including myself were moved to a small rental house. The house did not have the utilities connected at first. There were no beds there, and we had to bring the diffy mattresses from the warehouse. I slept in one room with my wife MarylunGarcia, her mother Elvia Garcia, and another worker. My parents, Maria Guadalupe and Esteban Robledo, slept in another room. Jorge Luis Aguilera and Jose Humberto Aguilera slept in the living room. However, those of us who were moved to the house were fired and sent home from the job sooner than the other workers who had not been moved. I believe this was retaliation for our complaints to the employers because of the poor way in which we were treated by them.

Case 1:13-cv-00084 Document 22 Filed in TXSD on 02/28/14 Page 59 of 105

I believe that I and the other workers were treated in a discriminatory manner because of our race and national origin, in violation of Title VII of the Civil Rights Act of 1964, as amended. The words and actions of Jesus Cervantes, Andres Cervantes, Lewis Marshall Bailey III, and Lewis Marshall Bailey IV created a hostile work environment. I am filing this charge on behalf of myself and the other workers of my crew who were treated in the same or similar manner.

I am represented by counsel in this matter. I request that any and all communications or correspondence for me be directed to my lawyer:

Angela Graves
Texas RioGrande Legal Aid, Southern Migrant Legal Services office 311 Plus Park Blvd., Suite 135
Nashville, TN 37217
(615) 750-1200; agraves@trla.org

EEOC Form 5 (5/01)			/:- \ O!			
CHARGE OF DISCRIMINATION	Charge Presente	ed to: Agenc	y(ies) Charge No(s):			
This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.	FEPA _X EEOC					
TEXAS WORKFORCE COMMISSION CIVIL RIGHTS State or local Agency	, if any	and EEOC				
Name (indicate Mr. Ms. Mrs.)	Home Phone (Incl. /		Date of Birth			
1 101101000 901010	(956) 640-4682		07/03/1956			
Street Address City, State and ZIF						
2457 Frankfurt Brownsville, T Named is the Employer, Labor Organization, Employment Agency, Apprer	A 70020	or State or Local	Government Agency			
That I believe Discriminated Against Me or Others. (If more than two, list to	inder PARTICULAR	S below.)				
Training (Examely 1997)	mployees, Members		Include Area Code)			
Lewis M. Bailey III & Lewis M. Bailey IV Appx.		(662) 414	4-0821/ 983-5745			
Street Address City, State and ZIF 102 Spratlin St. Bruce, MS 38						
	mployees, Members	Phone No. ((Include Area Code)			
Jesus Cervantes & Andres Cervantes Appx.			0-4569/800-4564			
Street Address City, State and ZIF	Code					
21901 Cedro Dr. Edcouch, TX	78538					
DISCRIMINATION BASED ON (Check appropriate box(es).)	li li		NATION TOOK PLACE			
X RACECOLORSEXRELIGION X NATIONAL		Earliest Latest RIGIN May, 2012 June, 2012				
RETALIATIONAGEDISABILITYOTHER (Specific	y below.)	CONTINUING A	CTION			
THE PARTICULARS ARE (If additional paper is needed, attached	extra sheet(s)):					
I am a Hispanic/Latino Mexican Citizen and Legal Permanent Resident of the U.S. In early May, 2012, I was recruited by Jesus ("Chuy") Cervantes in Brownsville, TX to migrate to Bruce, Mississippi for temporary agricultural employment, planting sweet potato plants, for Lewis Marshall Bailey III and Lewis Marshall Bailey IV. During the course of my employment for the Farm Labor Contractor (FLC) Jesus Cervantes, his agent Andres Cervantes, and the sweet potato growers Lewis Marshall Bailey III (a.k.a "Marshall") & Lewis Marshall Bailey IV (a.k.a "Sonny"), I encountered many problems with the working conditions, pay, and migrant housing provided by the employers.						
See attached addendum page.						
I want this charge filed with both the EEOC and the State or local Agency if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.		en necessary for the same of t	State And Local Agency			
I declare under penalty of perjury that the above is true and correct.	I swell or affirst that it is true to belief. SIGNA TAREO	he beat of my ke	the above charge and swiadge, information and			
11/07/12 Francisco Gurcia Date Charging Party Signature	SUBSCRIBED AN (month, day, ye	ar)	FORE ME THIS DATE			

I was part of a group of approximately 30 Hispanic/Latino workers, all of Mexican national origin. While we worked planting sweet potatoes all four of the employers named above would regularly yell at us and verbally harass us. On occasion they would make comments such as: "Mexicans don't know how to work"; "vaya a chingar a su madre" (meaning "go fuck your mother"); and telling us that even children could do a better job than we were doing. There were no portable bathrooms provided until the end of the season and we were often not permitted to take breaks to relieve ourselves. The bosses would yell at us that we couldn't take a break because "time is money," and it was so bad that some of the workers even had accidents. Often we were not allowed to take our lunch break until much later than the expected lunch hour, and they would sometimes give us as little as 15 minutes for our lunch break.

There were other workers of the growers who were not part of our group, and that group was made of local workers, including workers who were not Hispanic/Latino or of Mexican national origin. They were allowed to take breaks as they wished.

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I am represented by counsel in this matter. I request that any and all communications or correspondence for me be directed to my lawyer:

Plaintiffs' Second Amended Complaint, Exhibit B

Angela Graves
Texas RioGrande Legal Aid, Southern Migrant Legal Services office
311 Plus Park Blvd., Suite 135
Nashville, TN 37217
(615) 750-1200; agraves@trla.org

EEOC Form 5 (5/01)					
CHARGE OF DISCRIMINATION	Charge Presented	I to: Agend	cy(ies) Charge No(s):		
This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.	FEPA X EEOC	451-	-2013-00391		
TEXAS WORKFORCE COMMISSION CIVIL RIG		and EEOC			
Name (indicate Mr. Ms. Mrs.)	Home Phone (Incl. Ar	ea Code)	Date of Birth		
Israel Becerra Garcia	(956) 346-9879		01/05/1951		
Street Address City, State and ZIP 1434 East Los Ebanos Brownsville, TX					
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency					
That I believe Discriminated Against Me or Others. (If more than two, list un Name (Grower-Employers) No. Em	nder PARTICULARS ployees, Members	below.) Phone No.	(Include Area Code)		
Lewis M. Bailey III & Lewis M. Bailey IV			4-0821/983-5745		
Street Address City, State and ZIP	Code				
102 Spratlin St. Bruce, MS 389	915				
	nployees, Members		(Include Area Code)		
Ocean Cervanice a 7 marco Cervanice		(002) 00	0-4569/800-4564		
Street Address City, State and ZIP 21901 Cedro Dr. Edcouch, TX 7					
DISCRIMINATION BASED ON (Check appropriate box(es).)	DATE		NATION TOOK PLACE		
Y DACE COLOR SEY RELICION Y NATIONAL C			Latest June, 2012		
X RACECOLORSEXRELIGION X NATIONAL C	, talona	•			
RETALIATION AGE DISABILITY OTHER (Specify	below.)	ONTINUING A	CHON		
THE PARTICULARS ARE (If additional paper is needed	l, attached extra	sheet(s)):			
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See attached addendum page.	1		• ·		
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.	NOTARY - WIRRING Requirements G	MAGESSARY FO	tate and Local Agency		
I declare under penalty of perjury that the above is true and correct.	I swear or affirm the that wis true to the belief.	at Bhaye reid	the above charge and college, information and		
110712 Dead Classification Charging Party Signature	SUBSCRIBED AND (month, day, year)	SWORN TO BE	FORE ME THIS DATE		

I was part of a group of approximately 30 Hispanic/Latino workers, all of Mexican national origin. While we worked planting sweet potatoes all four of the employers named above would regularly yell at us and verbally harass us. On occasion they would make comments such as: "Mexicans don't know how to work"; "vaya a chingar a su madre" (meaning "go fuck your mother"); and telling us that even children could do a better job than we were doing. There were no portable bathrooms provided until the end of the season and we were often not permitted to take breaks to relieve ourselves. The bosses would yell at us that we couldn't take a break because "time is money," and it was so bad that some of the workers even had accidents. Often we were not allowed to take our lunch break until much later than the expected lunch hour, and they would sometimes give us as little as 15 minutes for our lunch break.

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When we were paid, we were expecting to be paid with checks, including withholdings for FICA, SS and Medicare and with paystubs indicating our hours, wages, deductions, etc. Instead, we were paid by cash. We were told we would be paid at \$8/hour, but many times Jesus or Andres Cervantes would make unauthorized deductions from our pay, thus decreasing the hourly wage. We believe that the other group of workers was paid by checks and at a rate of \$9/hour or higher.

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I believe that I and the other workers were treated in a discriminatory manner because of our race and national origin, in violation of Title VII of the Civil Rights Act of 1964, as amended. The words and actions of Jesus Cervantes, Andres Cervantes, Lewis Marshall Bailey III, and Lewis Marshall Bailey IV created a hostile work environment. I am filing this charge on behalf of myself and the other workers of my crew who were treated in the same or similar manner.

I am represented by counsel in this matter. I request that any and all communications or correspondence for me be directed to my lawyer:

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(615) 750-1200; agraves@trla.org

Case 1:13-cv-00084 Document 22 Filed in TXSD on 02/28/14 Page 64 of 105

EEOC Form 5 (5/01) Charge Presented to: Agency(ies) Charge No(s): CHARGE OF DISCRIMINATION This form is affected by the Privacy Act of 1974. See enclosed Privacy Act **FEPA** Statement and other information before completing this form. EEOC 451-2013-00393 TEXAS WORKFORCE COMMISSION CIVIL RIGHTS DIVISION and EEOC State or local Agency, if any Home Phone (Incl. Area Code) Date of Birth Name (indicate Mr. Ms. Mrs.) 08/17/1962 (956) 527-5825 Jose Luis Loza Street Address City, State and ZIP Code Brownsville, TX 78520 2431 Eduardo Ave. Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.) Phone No. (Include Area Code) No. Employees, Members Name (Grower-Employers) **Appx. 50** (662) 414-0821/ 983-5745 Lewis M. Bailey III & Lewis M. Bailey IV City, State and ZIP Code Street Address Bruce, MS 38915 102 Spratlin St. Phone No. (Include Area Code) Name (Farm Labor Contractor Employers) No. Employees, Members Appx. 30 (662) 800-4569/800-4564 Jesus Cervantes & Andres Cervantes City, State and ZIP Code Street Address Edcouch, TX 78538 21901 Cedro Dr. DATE(S) DISCRIMINATION TOOK PLACE DISCRIMINATION BASED ON (Check appropriate box(es).) **Earliest** Latest June, 2012 May, 2012 X RACE _ COLOR _ SEX _ RELIGION X NATIONAL ORIGIN X CONTINUING ACTION _ RETALIATION __ AGE __ DISABILITY __ OTHER (Specify below.) THE PARTICULARS ARE (If additional paper is needed, attached extra sheet(s)): I am a Hispanic/Latino Mexican Citizen and Legal Permanent Resident of the U.S. In early May, 2012, I was recruited by Jesus ("Chuy") Cervantes in Brownsville, TX to migrate to Bruce, Mississippi for temporary agricultural employment, planting sweet potato plants, for Lewis Marshall Bailey III and Lewis Marshall Bailey IV. During the course of my employment for the Farm Labor Contractor (FLC) Jesus Cervantes, his agent Andres Cervantes, and the sweet potato growers Lewis Marshall Bailev III (a.k.a "Marshall") & Lewis Marshall Bailey IV (a.k.a "Sonny"), I encountered many problems with the working conditions, pay, and migrant housing provided by the employers. See attached addendum page. NOTARY - When necessary for State and Local Agency I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures. the above charge and I declare under penalty of perjury that the above is true and Mowledge, information and correct. Date Charging Party Signature 2A SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year) 2012

I was part of a group of approximately 30 Hispanic/Latino workers, all of Mexican national origin. While we worked planting sweet potatoes all four of the employers named above would regularly yell at us and verbally harass us. On occasion they would make comments such as: "Mexicans don't know how to work"; "vaya a chingar a su madre" (meaning "go fuck your mother"); and telling us that even children could do a better job than we were doing. There were no portable bathrooms provided until the end of the season and we were often not permitted to take breaks to relieve ourselves. The bosses would yell at us that we couldn't take a break because "time is money," and it was so bad that some of the workers even had accidents. Often we were not allowed to take our lunch break until much later than the expected lunch hour, and they would sometimes give us as little as 15 minutes for our lunch break.

There were other workers of the growers who were not part of our group, and that group was made of local workers, including workers who were not Hispanic/Latino or of Mexican national origin. They were allowed to take breaks as they wished. They were provided with a tarp for protection for the sun, but even though some from our group requested a tarp, we were not given one.

When we were paid, we were expecting to be paid with checks, including withholdings for FICA, SS and Medicare and with paystubs indicating our hours, wages, deductions, etc. Instead, we were paid by cash. We were told we would be paid at \$8/hour, but many times Jesus or Andres Cervantes would make unauthorized deductions from our pay, thus decreasing the hourly wage. We believe that the other group of workers was paid by checks and at a rate of \$9/hour or higher.

The "housing" provided to us was awful. We expected housing that would meet federal standards but what we got was worse than a jail, and fit more for animals than people. We were taken to a warehouse where there were just dirty mattresses on the floor, with no bedding. There was no real shower, but only a pipe that had been rigged to use as a make-shift shower. There were only 2 toilets for everyone, and at times only one was functioning. The "bathroom" area and "kitchen" area were both open at the top so sounds and smells from the two areas mixed. The "kitchen" area was also insufficient with only a board set up to be like a table and stove and fridge that didn't properly function and were insufficient for the approximate 30 of us who were housed there.

I believe that I and the other workers were treated in a discriminatory manner because of our race and national origin, in violation of Title VII of the Civil Rights Act of 1964, as amended. The words and actions of Jesus Cervantes, Andres Cervantes, Lewis Marshall Bailey III, and Lewis Marshall Bailey IV created a hostile work environment. I am filing this charge on behalf of myself and the other workers of my crew who were treated in the same or similar manner.

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Texas RioGrande Legal Aid, Southern Migrant Legal Services office 311 Plus Park Blvd., Suite 135
Nashville, TN 37217
(615) 750-1200; agraves@trla.org

, EEOC Form 5 (5/01) NUV (5 2012					
CHARGE OF DISCRIMINATION	ON	C	harge Pro	esented	to: Agend	cy(ies) Charge No(s):
This form is affected by the Privacy Act of 1974. See enclose	d Privacy Act		FEPA			
Statement and other information before completing this	form.		X EEOC		31-2013-00	351
TEXAS WORKFORCE COMMISSION	CTVTI. RTGHT State or local Age	TS DIV	TSTON_		and EEOC	
Name (indicate Mr. Ms. Mrs.)	Clair or rock / right	Hor	ne Phone	(Incl. Area	a Code)	Date of Birth
Ms. Elvia Garcia			312-012	6		09/02/1969
	City, State and				-	
5107 Bocachica #73 Named is the Employer, Labor Organization, Employment Thanks III and III a	Brownsville,	, IX /	8521	-264	04-4	
That I believe Discriminated Against Me or Others. (If I	nore than two, i	ist unde	r PARTICI	JLARS be	State or Local Blow.)	Government Agency
Name (Grower-Employers)	No	o. Emplo	yees, Men		Phone No. (Include Area Code)
Lewis M. Bailey III & Lewis M. Bailey IV Street Address		рх. 50			(662) 414	4-0821/ 983-5745
102 Spratlin St.	City, State and					
Name (Farm Labor Contractor Employers)	Bruce, MS		yees, Men	hore	Dhone No. (Include Area Code)
Jesus Cervantes & Andres Cervantes		орх. 30	yees, Men	inei 2	(662) 800	0-4569/800-4564
Street Address	City, State and	ZIP Cod	le		(002) 000	3 70007000-4004
21901 Cedro Dr.	Edcouch, T	X 785	38			
DISCRIMINATION BASED ON (Check appropriate	e box(es).)			DATE(S		IATION TOOK PLACE
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A TOTAL _ OLX _ NEEDION	X NATIONA	AL OINI	אווע			
X RETALIATIONAGEDISABILITY	OTHER (Spe	ecify bel	ow.)	X co	NTINUING A	CTION
THE PARTICULARS ARE (If additional paper is n	eeded, attach	ed extr	sheet(s)):		
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See attached addendum page.	•					
I want this charge filed with both the EEOC and the Sta if any. I will advise the agencies if I change my address and I will cooperate fully with them in the processing of accordance with their procedures.	or phone numb	ncy, No R	equiremen 	When ne	cessary for Si	tate and Local Agency
I declare under penalty of perjury that the above is correct.	s true and	th be	at it is true :lief.	to the be	I have read the st of my know	ne above charge and windstill the street of
Date Charging Party Signature	QL	SI (n	UBSCRIBEI Bonth, day Odol	, year)	ORN TO DEFO	ORE TENTHE DATE

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I and the other women complained because we did not feel comfortable to sleep and bathe in an open area with the men, and so we and a few others, were moved to a small rental house. The house did not have the utilities connected at first. There were no beds there, and we had to bring the dirty mattresses from the warehouse. (Maria Guadalupe and her husband Esteban Robledo slept in one room. Alejandro Robledo, Jaime Cresencio Cantu, MaryLu Garcia and I

Case 1:13-cv-00084 Document 22 Filed in TXSD on 02/28/14 Page 68 of 105

slept in another room. Jorge Luis Aguilera and Jose Huberto Aguilera slept in the living room.) However, those of us who were moved to the house were fired and sent home from the job sooner than the other workers who had not been moved. I believe this was retaliation for our complaints to the employers because of the poor way in which we were treated by them.

In front of the other workers, Sonny came up to me and told me that he wanted to take me out at the end of the day "to fuck and fuck and fuck." Another time Andres came up to me and told me that Sonny told him to tell me that he wanted me and that anything he wanted he could get. He said Sonny wanted a woman to drink and do drugs with. I know that Sonny also sexually accosted my coworker, MaryLu and I think the only reason he did not do the same to the other woman, Maria Guadalupe, is because he did not have a chance because her husband was always with her.

I believe that I and the other workers were treated in a discriminatory manner because of our sex, race and national origin, in violation of Title VII of the Civil Rights Act of 1964, as amended. The words and actions of Jesus Cervantes, Andres Cervantes, Lewis Marshall Bailey III, and Lewis Marshall Bailey IV created a hostile work environment. I am filing this charge on behalf of myself and the other workers of my crew who were treated in the same or similar manner.

I am represented by counsel in this matter. I request that any and all communications or correspondence for me be directed to my lawyer:

Angela Graves
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Case 1:13-cv-00084 Document 22 Filed in TXSD on 02/28/14 Page 69 of 105 NOV 0 5 2012

EEOC Form 5 (5/01)

CHARGE OF DISCRIMINATION	Charge Presented to: Agency(ies) Charge No(s):					
This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.	FEPA \$% 451-2013-00359					
TEXAS WORKFORCE COMMISSION CIVIL	RIGHTS DIVISION and EEOC					
State or loca	I Agency, if any					
Name (indicate Mr. Ms. Mrs.)	Home Phone (Incl. Area Code) Date of Birth					
Israel Mata	(956) 346-9879 06/11/1946					
	and ZIP Code					
	ville, TX 78520					
Named is the Employer, Labor Organization, Employment Agency That I believe Discriminated Against Me or Others. (If more than t	, Apprenticeship Committee, or State or Local Government Agency					
Name (Grower-Employers)	No. Employees, Members Phone No. (Include Area Code)					
Lewis M. Bailey III & Lewis M. Bailey IV	Appx. 50 (662) 414-0821/ 983-5745					
	and ZIP Code					
	MS 38915					
Name (Farm Labor Contractor Employers)	No. Employees, Members Phone No. (Include Area Code)					
Jesus Cervantes & Andres Cervantes	Appx. 30 (662) 800-4569/800-4564					
Street Address City, State	and ZIP Code					
21901 Cedro Dr. Edcouch	i, TX 78538					
DISCRIMINATION BASED ON (Check appropriate box(es).						
	Earliest Latest					
X RACE _ COLOR _ SEX _ RELIGION X NATI	ONAL ORIGIN May, 2012 June, 2012					
X_RETALIATIONAGEDISABILITYOTHER	(Specify below.) X CONTINUING ACTION					
THE PARTICULARS ARE (If additional paper is needed, at	tached extra sheet(s)):					
I am a Hispanic/Latino Mexican Citizen and Legal Permanent Resident of the U.S. In early May, 2012, I was recruited by Jesus ("Chuy") Cervantes in Brownsville, TX to migrate to Bruce, Mississippi for temporary agricultural employment, planting sweet potato plants, for Lewis Marshall Bailey III and Lewis Marshall Bailey IV. During the course of my employment for the Farm Labor Contractor (FLC) Jesus Cervantes, his agent Andres Cervantes, and the sweet potato growers Lewis Marshall Bailey III (a.k.a "Marshall") & Lewis Marshall Bailey IV (a.k.a "Sonny"), I encountered many problems with the working conditions, pay, and migrant housing provided by the employers. See attached addendum page.						
I want this charge filed with both the EEOC and the State or local if any. I will advise the agencies if I change my address or phone and I will cooperate fully with them in the processing of my charge accordance with their procedures.	number Requirements					
I declare under penalty of perjury that the above is true and correct.	I sweet or affire that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF WEIGHT ANANT					
1.0/31/12 In at Charging Party Signature	SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)					

I was part of a group of approximately 30 Hispanic/Latino workers, all of Mexican national origin. While we worked planting sweet potatoes all four of the employers named above would regularly yell at us and verbally harass us. There were no portable bathrooms provided until the end of the season and we were often not permitted to take breaks to relieve ourselves. The bosses would yell at us that we couldn't take a break because "time is money," and it was so bad that some of the workers even had accidents. Often we were not allowed to take our lunch break until much later than the expected time for the lunch hour.

There were other workers of the growers who were not part of our group, and that group was made of local workers, including workers who were not Hispanic/Latino or of Mexican national origin. They were allowed to take breaks as they wished. They were provided with a tarp for protection for the sun, but even though some from our group requested a tarp, we were not given one.

When we were paid, we were expecting to be paid with checks, including withholdings for FICA, SS and Medicare and with paystubs indicating our hours, wages, deductions, etc. Instead, we were paid by cash. We were told we would be paid at \$8/hour, but many times Jesus or Andres Cervantes would make unauthorized deductions from our pay, thus decreasing the hourly wage. We believe that the other group of workers was paid by checks and at a rate of \$9/hour or higher.

The "housing" provided to us was awful. We expected housing that would meet federal standards but what we got was worse than a jail, and fit more for animals than people. We were taken to a warehouse where there were just dirty mattresses on the floor, with no bedding. There was no real shower, but only a pipe that had been rigged to use as a make-shift shower. There were only 2 toilets for everyone, and at times only one was functioning. The "bathroom" area and "kitchen" area were both open at the top so sounds and smells from the two areas mixed. The "kitchen" area was also insufficient with only a board set up to be like a table and stove and fridge that didn't properly function and were insufficient for the approximate 30 of us who were housed there.

I was run off the job and told to go home by Jesus Cervantes about a week before the work ended. Jesus Cervantes gave no motive for telling me to leave early.

I believe that I and the other workers were treated in a discriminatory manner because of our race and national origin, in violation of Title VII of the Civil Rights Act of 1964, as amended. The words and actions of Jesus Cervantes, Andres Cervantes, Lewis Marshall Bailey III, and Lewis Marshall Bailey IV created a hostile work environment. I am filing this charge on behalf of myself and the other workers of my crew who were treated in the same or similar manner.

I am represented by counsel in this matter. I request that any and all communications or correspondence for me be directed to my lawyer:

Angela Graves
Texas RioGrande Legal Aid, Southern Migrant Legal Services office
311 Plus Park Blvd., Suite 135
Nashville, TN 37217
(615) 750-1200; agraves@trla.org

EEOC Form 5 (5/01)	NOV 0 5 2012					
CHARGE OF DISCR	RIMINATION	Charge Pres	ented to: Agen	cy(ies) Charge No(s):		
This form is affected by the Privacy Act of 19 Statement and other information before	74. See enclosed Privacy Act	FEPA _X EEOC	45	1-2013-00360		
TEXAS WORKFORCE COMMISSION CIVIL RIGHTS DIVISION and EEOC						
	State or local Agency					
Name (Indicate Mr. Ms. Mrs.) Mrs. MaryLu Garcia	(95	Home Phone (In 6) 243-6899	•	Date of Birth 10/11/1992		
Street Address 2924 Stanolind Ave.	City, State and ZIF Brownsville, T					
Named is the Employer, Labor Organization That I believe Discriminated Against Me or	on, Employment Agency, Apprer	nticeship Commit	tee, or State or Loca	al Government Agency		
Name (Grower-Employers)		mployees, Memb	ers Phone No.	(Include Area Code)		
Lewis M. Bailey III & Lewis M. E			(662) 41	4-0821/ 983-5745		
Street Address	City, State and ZIF					
102 Spratlin St.	Bruce, MS 38					
Name (Farm Labor Contractor Employers)		mployees, Memb	ers Phone No.	(Include Area Code)		
Jesus Cervantes & Andres Cervantes & Andres Cervantes	City, State and ZIF		(662) 80	0-4569/800-4564		
21901 Cedro Dr.	Edcouch, TX					
DISCRIMINATION BASED ON (Chec			DATE(S) DISCRIM	NATION TOOK PLACE		
	wappropriate ben(ee).		Earliest	Latest		
X RACE _ COLOR X SEX _	RELIGION X NATIONAL	ORIGIN	May, 2012	June, 2012		
X RETALIATIONAGEDISA	ABILITYOTHER (Specify	/ below.)	X CONTINUING	ACTION		
THE PARTICULARS ARE (If addition	al paper is needed, attached	extra sheet(s)):	:	•		
I am a Hispanic/Latina U.S. Citizen of Mexican national origin. In early May, 2012, I was recruited by Jesus ("Chuy") Cervantes in Brownsville, TX to migrate to Bruce, Mississippi for temporary agricultural employment, planting sweet potato plants, for Lewis Marshall Bailey III and Lewis Marshall Bailey IV. During the course of my employment for the Farm Labor Contractor (FLC) Jesus Cervantes, his agent Andres Cervantes, and the sweet potato growers Lewis Marshall Bailey III (a.k.a "Marshall") & Lewis Marshall Bailey IV (a.k.a "Sonny"), I encountered many problems with the working conditions, pay, and migrant housing provided by the employers. Furthermore, I was sexually accosted by my employer, "Sonny."						
I want this charge filed with both the EEO if any. I will advise the agencies if I chang and I will cooperate fully with them in the accordance with their procedures.	ge my address or phone number			State and Local Agency USUrach		
I declare under penalty of perjury that correct.	the above is true and	I swear or affithat it is true to belief. SIGNATURE	to the bask of stylling	Ilhe above charge and children		
Date Charging Pai	ity Signature	subscribed (month, day,	year)	FORE METHIS DATE		

I was part of a group of approximately 30 Hispanic/Latino workers, all of Mexican national origin. While we worked planting sweet potatoes all four of the employers named above would regularly yell at us and verbally harass us. On occasion they would make comments such as: "Mexicans don't know how to work"; "vaya a chingar a su madre" (meaning "go fuck your mother"); and telling us that even children could do a better job than we were doing. There were no portable bathrooms provided until the end of the season and we were often not permitted to take breaks to relieve ourselves. The bosses would yell at us that we couldn't take a break because "time is money," and it was so bad that some of the workers even had accidents. Often we were not allowed to take our lunch break until much later than the expected time lunch hour, and they would sometimes give us as little as 15 minutes for our lunch break.

There were other workers of the growers who were not part of our group, and that group was made of local workers, including workers who were not Hispanic/Latino or of Mexican national origin. They were allowed to take breaks as they wished. They were provided with a tarp for protection for the sun, but even though some from our group requested a tarp, we were not given one.

When we were paid, we were expecting to be paid with checks, including withholdings for FICA, SS and Medicare and with paystubs indicating our hours, wages, deductions, etc. Instead, we were paid by cash. We were told we would be paid at \$8/hour, but many times Jesus or Andres Cervantes would make unauthorized deductions from our pay, thus decreasing the hourly wage. We believe that the other group of workers was paid by checks and at a rate of \$9/hour or higher.

The "housing" provided to us was awful. We expected housing that would meet federal standards but what we got was worse than a jail, and fit more for animals than people. We were taken to a warehouse where there were just dirty mattresses on the floor, with no bedding. There was no real shower, but only a pipe that had been rigged to use as a make-shift shower. There were only 2 toilets for everyone, and at times only one was functioning. The "bathroom" area and "kitchen" area were both open at the top so sounds and smells from the two areas mixed. The "kitchen" area was also insufficient with only a board set up to be like a table and stove and fridge that didn't properly function and were insufficient for the approximate 30 of us who were housed there.

I and the other women complained because we did not feel comfortable to sleep and bathe in an open area with the men, and so we and a few others, were moved to a small rental house. The house did not have the utilities connected at first. There were no beds there, and we had to bring the dirty mattresses from the warehouse. (Maria Guadalupe and her husband Esteban Robledo slept in one room. Alejandro Robledo, Jaime Cresencio Cantu, Elvia Garcia and myself slept in another room. Jorge Luis Aguilera and Jose Huberto Aguilera slept in the living room.) However, those of us who were moved to the house were fired and sent home from the job sooner than the other workers who had not been moved. I believe this was retaliation for our complaints to the employers because of the poor way in which we were treated by them.

I was working on the tractor, along with my husband, Alejandro Robledo, and other workers when I began to feel ill. My husband asked Andres to let me off the tractor since I was going to vomit. He asked Andres several times, but Andres wouldn't let me get off. I started to vomit while Andres was moving the tractor. When my husband went to ask Andres again, Andres put the tractor down and then I jumped off. I went and got on the bus and was still vomiting. Sonny approached me in the bus and asked me if I was vomiting because I was pregnant. I said no. He persisted and said if I was vomiting it was because I liked to have sex. I told him it wasn't possible that I was pregnant because I was on a (birth control) shot. He then told me that he wanted me to come to his house at the end of the summer so that he could show me how real men can have sex. He said he'd have a barbecue and invite everyone and then take me off to have sex with him. He kept biting his lips while he said this. I told him that I'm married. He backed off, presumably scared that my husband would do something to him for what he was saying to me. He got off the bus, but for a long time he kept circling it and while he was doing that I was so scared that he was going to do something else to me. He finally left but I stayed on the bus the rest of the day. I know that my co-worker Elvia was also sexually accosted by Sonny and I think the only reason he did not do the same to the other woman, Maria Guadalupe is because he did not have a chance because her husband was always with her.

I believe that I and the other workers were treated in a discriminatory manner because of our sex, race and national origin, in violation of Title VII of the Civil Rights Act of 1964, as amended. The words and actions of Jesus Cervantes, Andres Cervantes, Lewis Marshall Bailey III, and Lewis Marshall Bailey IV created a hostile work environment. I am filing this charge on behalf of myself and the other workers of my crew who were treated in the same or similar manner.

I am represented by counsel in this matter. I request that any and all communications or correspondence for me be directed to my lawyer:

EEOC Form 5 (5/01)	NOV 0 5 2012					
CHARGE OF DISCRIMINA	• • •	Charge Prese	nted to: Ager	ncy(ies) Charge No(s):		
This form is affected by the Privacy Act of 1974. See er Statement and other information before completing	iclosed Privacy Acting this form.	FEPA _X EEOC	451-2013-00	361		
TEXAS WORKFORCE COMMISS	ION CIVIL RIGHT	DIVISION	and EEO	,		
	State or local Agency	, if any	and LLO			
Name (indicate Mr. Ms. Mrs.)	Hon	ne Phone (Incl. Are	a Code)	Date of Birth		
Jose Humberto Aguilera Sr.		6) 909-9668		03/25/1966		
Street Address City, State and ZIP Code 2800 Chaparral Street #2A Brownsville, TX 78521						
Named is the Employer, Labor Organization, Empl That I believe Discriminated Against Me or Others.	oyment Agency, Apprer _(<i>If more than two, list</i> t	iticeship Committe under PARTICULA	e, or State or Loc RS below.)	al Government Agency		
Name (Grower-Employers)	No. Er	nployees, Member	rs Phone No	(Include Area Code)		
Lewis M. Bailey III & Lewis M. Bailey I			(662) 4	14-0821/983-5745		
Street Address 102 Spratlin St.	City, State and ZiP Bruce, MS 38					
Name (Farm Labor Contractor Employers)		nployees, Member	Dhana Na	Amala da da da		
Jesus Cervantes & Andres Cervantes	Appx.			. (Include Area Code) 00-4569/800-4564		
Street Address	City, State and ZIP	Code		30 1000/000 7004		
21901 Cedro Dr.	Edcouch, TX 7	8538				
DISCRIMINATION BASED ON (Check appro	priate box(es).)	D/	ATE(S) DISCRIM Earliest	INATION TOOK PLACE Latest		
X RACE _ COLOR _ SEX _ RELIGI	ON <u>X</u> NATIONAL (ORIGIN	May, 2012	June, 2012		
X RETALIATION AGE DISABILITY	OTHER (Specify	below.)	CONTINUING	ACTION		
THE PARTICULARS ARE (If additional paper	is needed, attached	extra sheet(s)):				
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See attached addendum page.						
I want this charge filed with both the EEOC and the if any. I will advise the agencies if I change my adand I will cooperate fully with them in the processin accordance with their procedures.	dress or phone number	NOTARY – White Requirements G	en pecessary for RIES	State and Local Agency		
I declare under penalty of perjury that the aborderrect.	ve is true and	I sugar or affir that it is true as belief.	the that of makin	the above charge and owledge, information and		
10-31-12 . Jos 6 14 Jau Date Charging Party Signal	ture	1020 14	ND SWORN TO BE	FORE ME THIS DATE		

I was part of a group of approximately 30 Hispanic/Latino workers, all of Mexican national origin. While we worked planting sweet potatoes all four of the employers named above would regularly yell at us and verbally harass us. On occasion they would make comments such as: "Mexicans don't know how to work"; "vaya a chingar a su madre" (meaning "go fuck your mother"); and telling us that even children could do a better job than we were doing. There were no portable bathrooms provided until the end of the season and we were often not permitted to take breaks to relieve ourselves. The bosses would yell at us that we couldn't take a break because "time is money," and it was so bad that some of the workers even had accidents. Often we were not allowed to take our lunch break until much later than the expected lunch hour, and they would sometimes give us as little as 20 minutes for our lunch break.

There were other workers of the growers who were not part of our group, and that group was made of local workers, including workers who were not Hispanic/Latino or of Mexican national origin. They were allowed to take breaks as they wished. They were provided with a tarp for protection for the sun, but even though some from our group requested a tarp, we were not given one.

When we were paid, we were expecting to be paid with checks, including withholdings for FICA, SS and Medicare and with paystubs indicating our hours, wages, deductions, etc. Instead, we were paid by cash. We were told we would be paid at \$8/hour. We believe that the other group of workers was paid by checks and at a rate of \$9/hour or higher.

The "housing" provided to us was awful. We expected housing that would meet federal standards but what we got was worse than a jail, and fit more for animals than people. We were taken to a warehouse where there were just dirty mattresses on the floor, with no bedding. There was no real shower, but only a pipe that had been rigged to use as a make-shift shower. There were only 2 toilets for everyone, and at times only one was functioning. The "bathroom" area and "kitchen" area were both open at the top so sounds and smells from the two areas mixed. The "kitchen" area was also insufficient with only a board set up to be like a table and stove and fridge that didn't properly function and were insufficient for the approximate 30 people who were housed there.

The women complained because they did not feel comfortable to sleep and bathe in an open area with the men, and so they and a few others, including myself were moved to a small rental house. The house did not have the utilities connected at first. There were no beds there, and we had to bring the dirty mattresses from the warehouse. (Maria Guadalupe and her husband Esteban Robledo slept in one room. Alejandro Robledo, Jaime Cresencio Cantu, Marylu Garcia and Elvia Garcia slept in another room. Jorge Luis Aguilera and I, Jose Humberto Aguilera, slept in the living room.) However, those of us who were moved to the house were fired and sent home from the job sooner than the other workers who had not been moved. I believe this was retaliation for our complaints to the employers because of the poor way in which we were treated by them.

Case 1:13-cv-00084) Document 22 Filed in TXSD on 02/28/14 Page 76 of 105

I believe that I and the other workers were treated in a discriminatory manner because of our race and national origin, in violation of Title VII of the Civil Rights Act of 1964, as amended. The words and actions of Jesus Cervantes, Andres Cervantes, Lewis Marshall Bailey III, and Lewis Marshall Bailey IV created a hostile work environment. I am filing this charge on behalf of myself and the other workers of my crew who were treated in the same or similar manner.

I am represented by counsel in this matter. I request that any and all communications or correspondence for me be directed to my lawyer:

EEOC Form 5 (5/01) Charge Presented to: Agency(ies) Charge No(s): CHARGE OF DISCRIMIN This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form. EEOC 451-2013-00362 TEXAS WORKFORCE COMMISSION CIVIL RIGHTS DIVISION and EEOC State or local Agency, if any Name (indicate Mr. Ms. Mrs.) Home Phone (Incl. Area Code) Date of Birth (956) 621-2093 Maria Guadalupe Robledo 12/16/1953 Street Address City, State and ZIP Code 5107 Bocachica #68 Brownsville, TX 78521 Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.) Phone No. (Include Area Code) Name (Grower-Employers) No. Employees, Members Lewis M. Bailey III & Lewis M. Bailey IV **Appx. 50** (662) 414-0821/ 983-5745 Street Address City, State and ZIP Code 102 Spratlin St. Bruce, MS 38915 Name (Farm Labor Contractor Employers) No. Employees, Members Phone No. (Include Area Code) Appx. 30 Jesus Cervantes & Andres Cervantes (662) 800-4569/800-4564 Street Address City, State and ZIP Code 21901 Cedro Dr. Edcouch, TX 78538 DISCRIMINATION BASED ON (Check appropriate box(es).) DATE(S) DISCRIMINATION TOOK PLACE Earliest Latest May, 2012 June, 2012 X RACE _ COLOR X SEX _ RELIGION X NATIONAL ORIGIN X CONTINUING ACTION X RETALIATION __ AGE __ DISABILITY __ OTHER (Specify below.) THE PARTICULARS ARE (If additional paper is needed, attached extra sheet(s)): I am a Hispanic/Latino Mexican Citizen and Legal Permanent Resident of the U.S. In early May. 2012, I was recruited by Jesus ("Chuy") Cervantes in Brownsville, TX to migrate to Bruce, Mississippi for temporary agricultural employment, planting sweet potato plants, for Lewis Marshall Bailey III and Lewis Marshall Bailey IV. During the course of my employment for the Farm Labor Contractor (FLC) Jesus Cervantes, his agent Andres Cervantes, and the sweet potato growers Lewis Marshall Bailey III (a.k.a "Marshall") & Lewis Marshall Bailey IV (a.k.a "Sonny"), I encountered many problems with the working conditions, pay, and migrant housing provided by the employers. See attached addendum page. I want this charge filed with both the EEOC and the State or local Agency, NOTARY - When necessary for State and Local Agency if any. I will advise the agencies if I change my address or phone number Requirements and I will cooperate fully with them in the processing of my charge in accordance with their procedures. the above charge and I declare under penalty of perjury that the above is true and lowledge, information and correct. belie SIGN SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year) Date

I was part of a group of approximately 30 Hispanic/Latino workers, all of Mexican national origin. While we worked planting sweet potatoes all four of the employers named above would regularly yell at us and verbally harass us. On occasion they would make comments such as: "Mexicans don't know how to work"; "vaya a chingar a su madre" (meaning "go fuck your mother"); and telling us that even children could do a better job than we were doing. There were no portable bathrooms provided until the end of the season and we were often not permitted to take breaks to relieve ourselves. The bosses would yell at us that we couldn't take a break because "time is money," and it was so bad that some of the workers even had accidents. Often we were not allowed to take our lunch break until much later than the expected lunch hour, and they would sometimes give us as little as 15 minutes for our lunch break.

There were other workers of the growers who were not part of our group, and that group was made of local workers, including workers who were not Hispanic/Latino or of Mexican national origin. They were allowed to take breaks as they wished. They were provided with a tarp for protection for the sun, but even though some from our group requested a tarp, we were not given one.

When we were paid, we were expecting to be paid with checks, including withholdings for FICA, SS and Medicare and with paystubs indicating our hours, wages, deductions, etc. Instead, we were paid by cash. We were told we would be paid at \$8/hour, but many times Jesus or Andres Cervantes would make unauthorized deductions from our pay, thus decreasing the hourly wage. We believe that the other group of workers was paid by checks and at a rate of \$9/hour or higher.

The "housing" provided to us was awful. We expected housing that would meet federal standards but what we got was worse than a jail, and fit more for animals than people. We were taken to a warehouse where there were just dirty mattresses on the floor, with no bedding. There was no real shower, but only a pipe that had been rigged to use as a make-shift shower. There were only 2 toilets for everyone, and at times only one was functioning. The "bathroom" area and "kitchen" area were both open at the top so sounds and smells from the two areas mixed. The "kitchen" area was also insufficient with only a board set up to be like a table and stove and fridge that didn't properly function and were insufficient for the approximate 30 of us who were housed there.

The women complained because they did not feel comfortable to sleep and bathe in an open area with the men, and so we and a few others, including my husband, were moved to a small rental house. The house did not have the utilities connected at first. There were no beds there, and we had to bring the dirty mattresses from the warehouse. (I slept in one room with my husband, Esteban Robledo. My son, Alejandro Robledo, Jaime Cresencio Cantu, Marylu Garcia and Elvia Garcia slept in another two rooms. Jorge Luis Aguilera and Jose Huberto Aguilera, slept in the living room.) However, those of us who were moved to the house were fired and sent home from the job sooner than the other workers who had not been moved. I believe this was retaliation for our complaints to the employers because of the poor way in which we were treated by them.

I believe that I and the other workers were treated in a discriminatory manner because of our race and national origin, in violation of Title VII of the Civil Rights Act of 1964, as amended. The words and actions of Jesus Cervantes, Andres Cervantes, Lewis Marshall Bailey III, and Lewis Marshall Bailey IV created a hostile work environment. I am filing this charge on behalf of myself and the other workers of my crew who were treated in the same or similar manner.

I am represented by counsel in this matter. I request that any and all communications or correspondence for me be directed to my lawyer:

CHARGE OF DISCRIMINATION This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.	Charge Pre			Ani/1> Al
	1	esented to:	Age	ncy(ies) Charge No(s):
	FEPA			
	X EEOC			451-2013-00363
			********	191 2010 -00303
TEXAS WORKFORCE COMMISSION CIVIL R State or local	IGHTS DIVISION Agency, if any	ar	d EEO	
lame (indicate Mr. Ms. Mrs.)	Home Phone	(Incl. Area C	code)	Date of Birth
Mr. Victor M. Flores Galvan		-		12/23/1952
Street Address City, State	and ZIP Code			
	ille, TX 78520			
lamed is the Employer, Labor Organization, Employment Agency, hat I believe Discriminated Against Me or Others. (<i>If more than t</i> y	Apprenticeship Comm	nittee, or Sta	ate or Loc	al Government Agency
lame (Grower-Employers)	No. Employees, Mem	bers F	hone No	. (Include Area Code)
.ewis M. Bailey III & Lewis M. Bailey IV	Аррх. 50			14-0821/983-5745
	and ZIP Code			
	MS 38915			•
lame (Farm Labor Contractor Employers)	No. Employees, Men	bers F	hone No	. (Include Area Code)
lesus Cervantes & Andres Cervantes	Аррх. 30			00-4569/800-4564
	and ZIP Code	···················	002/0	00 1000/000 1004
	, TX 78538			
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A TOOL OUT OUT REGION X TOTAL	SINAL OILIOIN			,
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THE PARTICULARS ARE (If additional paper is needed, att	ached extra sheet(s));	···········	
2012, I was recruited by Jesus ("Chuy") Cervantes for temporary agricultural employment, planting swaws Marshall Bailey IV. During the course of my Jesus Cervantes, his agent Andres Cervantes, and II (a.k.a "Marshall") & Lewis Marshall Bailey IV (a.k.e working conditions, pay, and migrant housing page attached addendum page.	veet potato plants y employment for d the sweet pota .k.a "Sonny"), I e	s, for Leventhe the Farreto growen to the counter the	vis Mar n Labo rs Lew ed mar	shall Bailey III and r Contractor (FLC) is Marshall Bailey
			•	
want this charge filed with both the EEOC and the State or local A			ssary for	State and Local Agency
f any. I will advise the agencies if I change my address or phone r	number Requiremen	nts		•
f any. I will advise the agencies if I change my address or phone r and I will cooperate fully with them in the processing of my charge	number Requiremen	nts		•
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f any. I will advise the agencies if I change my address or phone r and I will cooperate fully with them in the processing of my charge	number Requirement in Hawar or a	offirm that!!!	<u> </u>	•

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When we were paid, we were expecting to be paid with checks, including withholdings for FICA, SS and Medicare and with paystubs indicating our hours, wages, deductions, etc. Instead, we were paid by cash. We were told we would be paid at \$8/hour, but many times Jesus or Andres Cervantes would make unauthorized deductions from our pay, thus decreasing the hourly wage. We believe that the other group of workers was paid by checks and at a rate of \$9/hour or higher.

The "housing" provided to us was awful. We expected housing that would meet federal standards but what we got was worse than a jail, and fit more for animals than people. We were taken to a warehouse where there were just dirty mattresses on the floor, with no bedding. There was no real shower, but only a pipe that had been rigged to use as a make-shift shower. There were only 2 toilets for everyone, and at times only one was functioning. There was no light in the bathroom. There was also no real shower curtain, only a broken piece of plastic. The "bathroom" area and "kitchen" area were both open at the top so sounds and smells from the two areas mixed. The "kitchen" area was also insufficient with only a board set up to be like a table and stove and fridge that didn't properly function and were insufficient for the approximate 30 of us who were housed there. There were no chairs for us to eat in; we ate standing up.

I believe that I and the other workers were treated in a discriminatory manner because of our race and national origin, in violation of Title VII of the Civil Rights Act of 1964, as amended. The words and actions of Jesus Cervantes, Andres Cervantes, Lewis Marshall Bailey III, and Lewis Marshall Bailey IV created a hostile work environment. I am filing this charge on behalf of myself and the other workers of my crew who were treated in the same or similar manner.

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I am represented by counsel in this matter. I request that any and all communications or correspondence for me be directed to my lawyer:

EEOC Form 5 (5/01) NIOV 0 8	2012						
CHARGE OF DISCRIMINATION	, , , , , , , , , , , , , , , , , , , ,	Charge Presented to: Agency(ies) Charge No(s					
This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.		FEPA					
Statement and other innormation boldie completing this touri.	,	X EEOC		451-2013-00364			
TEXAS WORKFORCE COMMISSION CIVIL RIGHTS DIVISION and EEOC State or local Agency, if any							
Name (indicate Mr. Ms. Mrs.)	(
Jorge Luis Aguilera Street Address City. 5	(95t) State and ZIP	6) 909-9668	3	08/17/1968			
1 2							
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)							
Name (Grower-Employers)	No. Em	ployees, Memi	bers Pho	one No. (Include Area Code)			
Lewis M. Bailey III & Lewis M. Bailey IV	Appx. 5		(66	62) 414-0821/ 983-5745			
	State and ZIP Se, MS 389						
Name (Farm Labor Contractor Employers)		ployees, Memi	here Dhe	one No. (Include Area Code)			
Jesus Cervantes & Andres Cervantes	Appx. 3		(66	62) 800-4569/800-4564			
	State and ZIP		1,00	2, 555 155 37500-4504			
	uch, TX 7						
DISCRIMINATION BASED ON (Check appropriate box	(es).)		Earliest	SCRIMINATION TOOK PLACE Latest			
X RACE _ COLOR _ SEX _ RELIGION X N	IA HONAL O	RIGIN	May, 2012	June, 2012			
X RETALIATIONAGEDISABILITYOTH	ER (Specify	below.)	X CONTIN	IUING ACTION			
THE PARTICULARS ARE (If additional paper is needed	d, attached e	xtra sheet(s)):				
I am a Hispanic/Latino Mexican Citizen and Legal Permanent Resident of the U.S. In early May, 2012, I was recruited by Jesus ("Chuy") Cervantes in Brownsville, TX to migrate to Bruce, Mississippi for temporary agricultural employment, planting sweet potato plants, for Lewis Marshall Bailey III and Lewis Marshall Bailey IV. During the course of my employment for the Farm Labor Contractor (FLC) Jesus Cervantes, his agent Andres Cervantes, and the sweet potato growers Lewis Marshall Bailey III (a.k.a "Marshall") & Lewis Marshall Bailey IV (a.k.a "Sonny"), I encountered many problems with the working conditions, pay, and migrant housing provided by the employers.							
See attached addendum page.							
I want this charge filed with both the EEOC and the State or lo if any. I will advise the agencies if I change my address or ph and I will cooperate fully with them in the processing of my ch- accordance with their procedures.	one number	NOTARY – V Requirement	When necession	ary for State and Local Agency			
I declare under penalty of perjury that the above is true correct.	and	I swear or aff that it is true belief. SIGNATURE	to the best of	re read the above strange and my knowledge. Information and			
10-16-12 Charging Party Signature		SUBSCRIBED (month, day,	year)	TO BEFORE METAHIS DATE 1			

I was part of a group of approximately 30 Hispanic/Latino workers, all of Mexican national origin. While we worked planting sweet potatoes all four of the employers named above would regularly yell at us and verbally harass us. On occasion they would make comments such as: "Mexicans don't know how to work"; "vaya a chingar a su madre" (meaning "go fuck your mother"); and telling us that even children could do a better job than we were doing. There were no portable bathrooms provided until the end of the season and we were often not permitted to take breaks to relieve ourselves. The bosses would yell at us that we couldn't take a break because "time is money," and it was so bad that some of the workers even had accidents. Often we were not allowed to take our lunch break until much later than the expected time lunch hour, and they would sometimes give us as little as 15 minutes for our lunch break.

There were other workers of the growers who were not part of our group, and that group was made of local workers, including workers who were not Hispanic/Latino or of Mexican national origin. They were allowed to take breaks as they wished. They were provided with a tarp for protection for the sun, but even though some from our group requested a tarp, we were not given one.

When we were paid, we were expecting to be paid with checks, including withholdings for FICA, SS and Medicare and with paystubs indicating our hours, wages, deductions, etc. Instead, we were paid by cash. We were told we would be paid at \$8/hour, but many times Jesus or Andres Cervantes would make unauthorized deductions from our pay, thus decreasing the hourly wage. We believe that the other group of workers was paid by checks and at a rate of \$9/hour or higher.

The "housing" provided to us was awful. We expected housing that would meet federal standards but what we got was worse than a jail, and fit more for animals than people. We were taken to a warehouse where there were just dirty mattresses on the floor, with no bedding. There was no real shower, but only a pipe that had been rigged to use as a make-shift shower. There were only 2 toilets for everyone, and at times only one was functioning. The "bathroom" area and "kitchen" area were both open at the top so sounds and smells from the two areas mixed. The "kitchen" area was also insufficient with only a board set up to be like a table and stove and fridge that didn't properly function and were insufficient for the approximate 30 of us who were housed there.

The women complained because they did not feel comfortable to sleep and bathe in an open area with the men, and so they and a few others, including myself were moved to a small rental house. The house did not have the utilities connected at first. There were no beds there, and we had to bring the dirty mattresses from the warehouse. They tried to make us pay rent at first. We had to clean the house because it was so dirty and cut the yard when we arrived. Maria Guadalupe and her husband Esteban Robledo slept in one room. Alejandro Robledo, Jaime Cresencio Cantu, Marylu Garcia and Elvia Garcia slept in another room. Jose Huberto Aguilera and I slept in the living room room at the entrance of the house. However, those of us who were moved to the house were fired and sent home from the job sooner than the other workers who had not

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been moved. I believe this was retaliation for our complaints to the employers because of the poor way in which we were treated by them.

I believe that I and the other workers were treated in a discriminatory manner because of our race and national origin, in violation of Title VII of the Civil Rights Act of 1964, as amended. The words and actions of Jesus Cervantes, Andres Cervantes, Lewis Marshall Bailey III, and Lewis Marshall Bailey IV created a hostile work environment. I am filing this charge on behalf of myself and the other workers of my crew who were treated in the same or similar manner. I am represented by counsel in this matter. I request that any and all communications or correspondence for me be directed to my lawyer:

Case 1:13-cv-00084 Document 22 Filed in TXSD on 02/28/14 Page 86 of 105

EEOC Form 5 (5/01)

CHARGE OF DISCRIMINATION	Charge Presented to: Agency(ies) Char	ge No(s):			
This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.	FEPA EEOC	0365			
THE CHARLES COMMISSION OF THE					
TEXAS WORKFORCE COMMISSION CIVI	L_RIGHTS_DIVISION and EEOC Agency, if any				
Name (indicate Mr. Ms. Mrs.)	Home Phone (Incl. Area Code) Date o	Birth			
Jose Luis Alvarez	(956) 542-6863 03/27/19				
Street Address City, State	nd ZIP Code				
	ille, TX 78521				
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)					
Name (Grower-Employers) Lewis M. Bailey III & Lewis M. Bailey IV	No. Employees, Members Phone No. (Include Area Appx. 50 (662) 414-0821/ 98	Code)			
	Appx. 50 (662) 414-0821/ 98 Ind ZIP Code	3-5/45			
	S 38915				
Name (Farm Labor Contractor Employers)	No. Employees, Members Phone No. (Include Area	Code)			
Jesus Cervantes & Andres Cervantes	Appx. 30 (662) 800-4569/800	0-4564			
	nd ZIP Code				
	TX 78538				
DISCRIMINATION BASED ON (Check appropriate box(es).	DATE(S) DISCRIMINATION TOOL	(PLACE			
X RACECOLORSEXRELIGION X NATIO	NAL ORIGIN Earliest Latest May, 2012 June, 2012				
RETALIATION AGE DISABILITY OTHER (S	pecify below.) X CONTINUING ACTION				
THE PARTICULARS ARE (If additional paper is needed, att	ched extra sheet(s)):				
I am a Hispanic/Latino Mexican Citizen and Legal Permanent Resident of the U.S. In early May, 2012, I was recruited by Jesus ("Chuy") Cervantes in Brownsville, TX to migrate to Bruce, Mississippi for temporary agricultural employment, planting sweet potato plants, for Lewis Marshall Bailey III and Lewis Marshall Bailey IV. During the course of my employment for the Farm Labor Contractor (FLC) Jesus Cervantes, his agent Andres Cervantes, and the sweet potato growers Lewis Marshall Bailey III (a.k.a "Marshall") & Lewis Marshall Bailey IV (a.k.a "Sonny"), I encountered many problems with the working conditions, pay, and migrant housing provided by the employers. See attached addendum page.					
I want this charge filed with both the EEOC and the State or local / if any. I will advise the agencies if I change my address or phone i		Agency			
and I will cooperate fully with them in the processing of my charge		100 .			
accordance with their procedures.	athlen I willedge	Filler			
	A PU				
I declare under penalty of perjury that the above is true and correct.	under penalty of perjury that the above is true and that it is true to the best of my knowledge being belief. SIGNATURE OF COMPLAINA IT				
10-16-12 Jué Luis alvore Charging Earty Signature	SUBSCRIBED AND SWORN TO BEFORE ME THIS E (month, day, year)	DATE			

I was part of a group of approximately 32 Hispanic/Latino workers, all of Mexican national origin. While we worked planting sweet potatoes all four of the employers named above would regularly yell at us and verbally harass us. On occasion they would make comments such as: "Mexicans don't know how to work"; "vaya a chingar a su madre" (meaning "go fuck your mother"); and telling us that even children could do a better job than we were doing. There were no portable bathrooms provided until the end of the season and we were not permitted to take breaks to relieve ourselves. The bosses would yell at us that we couldn't take a break because "time is money," and it was so bad that some of the workers even had accidents. Often we were not allowed to take our lunch break until much later than the expected time lunch hour.

There were other workers of the growers who were not part of our group, and that group was made of local workers, including workers who were not Hispanic/Latino or of Mexican national origin. They were allowed to take breaks as they wished. They were provided with a tarp for protection for the sun, but even though some from our group requested a tarp, we were not given one until later.

When we were paid, we were expecting to be paid with checks, including withholdings for FICA, SS and Medicare and with paystubs indicating our hours, wages, deductions, etc. Instead, we were paid by cash. We were told we would be paid at \$8/hour, but many times Jesus or Andres Cervantes would make unauthorized deductions from our pay and paid us for less hours than we had worked. We believe that the other group of workers was paid by checks and at a rate of \$9/hour or higher.

The "housing" provided to us was awful. We expected housing that would meet federal standards but what we got was worse than a jail, and fit more for animals than people. We were taken to a barracks where there were just dirty mattresses on bunk beds, with no bedding. There was no real shower, but only a pipe that had been rigged to use as a make-shift shower. There were only 2 toilets for everyone. The "bathroom" area and "kitchen" area were both open at the top so sounds and smells from the two areas mixed. The "kitchen" area was also insufficient with 2 stoves and 2 fridges that didn't all properly function and were insufficient for the approximate 16 of us who were housed in each half of the barracks.

I believe that I and the other workers were treated in a discriminatory manner because of our race and national origin, in violation of Title VII of the Civil Rights Act of 1964, as amended. The words and actions of Jesus Cervantes, Andres Cervantes, Lewis Marshall Bailey III, and Lewis Marshall Bailey IV created a hostile work environment. I am filing this charge on behalf of myself and the other workers of my crew who were treated in the same or similar manner. I am represented by counsel in this matter. I request that any and all communications or correspondence for me be directed to my lawyer:

Angela Graves

Texas RioGrande Legal Aid, Southern Migrant Legal Services office 311 Plus Park Blvd., Suite 135

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Nashville, TN 37217 (615) 750-1200; <u>agraves@trla.org</u>

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EEOC Form 5 (5/01)

CHARGE OF DISCRIMINATION		Presented	to: Agend	cy(ies) Charge No(s):		
This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.	FEP		L-2013-00:	366		
TEXAS WORKFORCE COMMISSION CIVIL RIGHTS DIVISION						
			and EEOC			
State or local			1.3	5.4		
Name (indicate Mr. Ms. Mrs.)	Home Phone (In		de)	Date of Birth		
Esteban Robledo Jr.	(956) 621-20	193	····	06/18/1952		
Street Address City, State a						
5107 Boca Chica #68 Brownsville, TX 78521 Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency						
That I believe Discriminated Against Me or Others. (If more than two	ist under PARTI	CULARS be	olale of Loca elow.)	Government Agency		
Name (Grower-Employers)	o. Employees, M	embers	Phone No.	(Include Area Code)		
Lewis M. Bailey III & Lewis M. Bailey IV	ррх. 50			4-0821/983-5745		
Street Address City, State a	d ZIP Code		L. Y			
102 Spratlin St. Bruce, M	38915					
Name (Farm Labor Contractor Employers)	o. Employees, M	embers	Phone No.	(Include Area Code)		
Jesus Cervantes & Andres Cervantes	ррх. 30		(662) 80	0-4569/800-4564		
Street Address City, State a						
21901 Cedro Dr. Edcouch	TX 78538					
DISCRIMINATION BASED ON (Check appropriate box(es).)				NATION TOOK PLACE		
· · · · · · · · · · · · · · · · · · ·		Earl		Latest		
X RACECOLORSEXRELIGION X NATIO	IAL ORIGIN	May,	2012	June, 2012		
X RETALIATION AGE DISABILITY OTHER (Specify below.)				CTION		
THE DARTION ADD ADE (III - Lillie - al - a	had and a bank	<u> </u>				
THE PARTICULARS ARE (If additional paper is needed, atte	nea extra sneet	(S)):				
I am a Hispanic/Latino U.S. Citizen of Mexican national origin. In early May, 2012, I was recruited by Jesus ("Chuy") Cervantes in Brownsville, TX to migrate to Bruce, Mississippi for temporary agricultural employment, planting sweet potato plants, for Lewis Marshall Bailey III and Lewis Marshall Bailey IV. During the course of my employment for the Farm Labor Contractor (FLC) Jesus Cervantes, his agent Andres Cervantes, and the sweet potato growers Lewis Marshall Bailey III (a.k.a "Marshall") & Lewis Marshall Bailey IV (a.k.a "Sonny"), I encountered many problems with the working conditions, pay, and migrant housing provided by the employers.						
See attached addendum page.						
I want this charge filed with both the EEOC and the State or local A if any. I will advise the agencies if I change my address or phone n and I will cooperate fully with them in the processing of my charge i accordance with their procedures.			Cessary for S	State and Local Agency		
I declare under penalty of perjury that the above is true and correct.	i stream that it is t better. SIGNAT	rug 12 b	est de finakno	<i>t</i>		
10-31-12 Esteban Roberto Date Charging Party Signature	(month. c	lav. vear)	WORN TO BEF	FORE ME THIS DATE		

I was part of a group of approximately 30 Hispanic/Latino workers, all of Mexican national origin. While we worked planting sweet potatoes all four of the employers named above would regularly yell at us and verbally harass us. On occasion they would make comments such as: "Mexicans don't know how to work"; "vaya a chingar a su madre" (meaning "go fuck your mother"); and telling us that even children could do a better job than we were doing. There were no portable bathrooms provided until the end of the season and we were often not permitted to take breaks to relieve ourselves. The bosses would yell at us that we couldn't take a break because "time is money," and it was so bad that some of the workers even had accidents. Often we were not allowed to take our lunch break until much later than the expected lunch hour, and they would sometimes give us as little as 15 minutes for our lunch break.

There were other workers of the growers who were not part of our group, and that group was made of local workers, including workers who were not Hispanic/Latino or of Mexican national origin. They were allowed to take breaks as they wished. They were provided with a tarp for protection for the sun, but even though some from our group requested a tarp, we were not given one.

When we were paid, we were expecting to be paid with checks, including withholdings for FICA, SS and Medicare and with paystubs indicating our hours, wages, deductions, etc. Instead, we were paid by cash. We were told we would be paid at \$8/hour, but many times Jesus or Andres Cervantes would make unauthorized deductions from our pay, thus decreasing the hourly wage. We believe that the other group of workers was paid by checks and at a rate of \$9/hour or higher.

The "housing" provided to us was awful. We expected housing that would meet federal standards but what we got was worse than a jail, and fit more for animals than people. We were taken to a warehouse where there were just dirty mattresses on the floor, with no bedding. There was no real shower, but only a pipe that had been rigged to use as a make-shift shower. There were only 2 toilets for everyone, and at times only one was functioning. The "bathroom" area and "kitchen" area were both open at the top so sounds and smells from the two areas mixed. The "kitchen" area was also insufficient with only a board set up to be like a table and stove and fridge that didn't properly function and were insufficient for the approximate 30 of us who were housed there.

The women complained because they did not feel comfortable to sleep and bathe in an open area with the men, and so they and a few others, including myself were moved to a small rental house. The house did not have the utilities connected at first. There were no beds there, and we had to bring the dirty mattresses from the warehouse. (I slept in one room with my wife, Maria Guadalupe Robledo. My son, Alejandro Robledo, Jaime Cresencio Cantu, Marylu Garcia and Elvia Garcia slept in another two rooms. Jorge Luis Aguillera and Jose Huberto Aguillera, slept in the living room.) However, those of us who were moved to the house were fired and sent home from the job sooner than the other workers who had not been moved. I believe this was retaliation for our complaints to the employers because of the poor way in which we were treated by them.

I believe that I and the other workers were treated in a discriminatory manner because of our race and national origin, in violation of Title VII of the Civil Rights Act of 1964, as amended. The words and actions of Jesus Cervantes, Andres Cervantes, Lewis Marshall Bailey III, and Lewis Marshall Bailey IV created a hostile work environment. I am filing this charge on behalf of myself and the other workers of my crew who were treated in the same or similar manner.

I am represented by counsel in this matter. I request that any and all communications or correspondence for me be directed to my lawyer:

Case 1:13-cv-00084) Document 22 Filed in TXSD on 02/28/14 Page 92 of 105

	EEOC Form 5 (6/01)	NOV 0 5 2012			· · · · · · · · · · · · · · · · · · ·		
	CHARGE OF DISCR	· · · · · · · · · · · · · · · · · · ·	Charge Pro	esented 1	to: Agend	cy(ies) Charge No(s):	
	This form is affected by the Privacy Act of 193 Statement and other information before	74. See enclosed Privacy Act e completing this form.	X EEOC		-2013-00	367	
	TEXAS WORKFORCE COMMISSION CIVIL RIGHTS DIVISION and EEOC State or local Agency, If any						
Na	me (indicate Mr. Ms. Mrs.)		lome Phone (Incl.	. Area Co	de)	Date of Birth	
Ar	rturo Sanchez-Botello		956) 589-460	9		07/16/1963	
	Street Address City, State and ZIP Code 604 Florence Ln. Brownsville, TX 78520						
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)							
	ame (Grower-Employers)		Employees, Mer		Phone No.	(Include Area Code)	
	ewis M. Bailey III & Lewis M. E	Bailey IV Apr	ох. 50		(662) 41	4-0821/ 983-5745	
Str	reet Address	City, State and					
	02 Spratlin St.	Bruce, MS			·		
	ame (Farm Labor Contractor Employers esus Cervantes & Andres Cer		. Employees, Mer px. 30	nbers		(Include Area Code) 0-4569/800-4564	
	reet Address	City, State and			1 (002) 00	0 1000/000-100-1	
	1901 Cedro Dr.	Edcouch, T					
	ISCRIMINATION BASED ON (Chec					NATION TOOK PLACE	
X	RACECOLORSEX	RELIGION X NATIONA	LORIGIN			Latest June, 2012	
-	_RETALIATIONAGEDIS	ABILITY OTHER (Spe	cify below.)	x cc	NTINUING A	ACTION	
TI	HE PARTICULARS ARE (If addition	al paper is needed, attach	ed extra sheet(s)):			
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lf a	want this charge filed with both the EEC fany. I will advise the agencies if I chan and I will cooperate fully with them in the accordance with their procedures.	ge my address or phone num	ncy, NOTARY Requirement	When n	ACAMBARY FOR	State and Local Agency	
- 1	declare under penalty of perjury tha correct.	t the above is true and	I swear of that it is to belief. SIGNATU			the bove charge and nowedge, information and	
1	Date A A Charging Pa	Scrob 2 arty Signature	SUBSCRIB (manth, de	Y6 .	SWORN TO BE	FORE ME THIS DATE	

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I am represented by counsel in this matter. I request that any and all communications or correspondence for me be directed to my lawyer:

EEOC Form 5 (5/01)

NOV 0 5 2012

CHARGE OF DISCRIMINATION	Charge Presented to: Agency(ies) Charge No(s):					
This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.	FEPA					
TEXAS WORKFORCE COMMISSION CIVIL RIGHT	and EEOO					
	Home Phone (Incl. Area Code) Date of Birth					
•	(956) 243-4018 11/01/1948					
Street Address City, State and	<u> </u>					
·	e, TX 78520					
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)						
	p. Employees, Members Phone No. (Include Area Code)					
Lewis M. Bailey III & Lewis M. Bailey IV	opx. 50 (662) 414-0821/ 983-5745					
Street Address City, State and						
102 Spratlin St. Bruce, MS						
	p. Employees, Members Phone No. (Include Area Code)					
· · · · · · · · · · · · · · · · · · ·	opx. 30 (662) 800-4569/800-4564					
Street Address City, State and	I ZIP Code					
21901 Cedro Dr. Edcouch, T	X 78538					
DISCRIMINATION BASED ON (Check appropriate box(es).)	DATE(S) DISCRIMINATION TOOK PLACE					
	Earliest Latest					
X RACECOLORSEXRELIGION X NATION	AL ORIGIN May, 2012 June, 2012					
RETALIATIONAGEDISABILITYOTHER (Specify below.)						
THE PARTICULARS ARE (If additional paper is needed, attack	ned extra sheet(s)):					
THE TAILTIODEANO AILE (II additional paper is needed, attaor	icu extra sheetisii.					
I am a Hispanic/Latino Mexican Citizen and Legal Permanent Resident of the U.S. In early May, 2012, I was recruited by Jesus ("Chuy") Cervantes in Brownsville, TX to migrate to Bruce, Mississippi for temporary agricultural employment, planting sweet potato plants, for Lewis Marshall Bailey III and Lewis Marshall Bailey IV. During the course of my employment for the Farm Labor Contractor (FLC) Jesus Cervantes, his agent Andres Cervantes, and the sweet potato growers Lewis Marshall Bailey III (a.k.a "Marshall") & Lewis Marshall Bailey IV (a.k.a "Sonny"), I encountered many problems with the working conditions, pay, and migrant housing provided by the employers.						
See attached addendum page.						
I want this charge filed with both the EEOC and the State or local Age if any. I will advise the agencies if I change my address or phone num and I will cooperate fully with them in the processing of my charge in accordance with their procedures.						
I declare under penalty of perjury that the above is true and correct.	I swear or affice that I have read the above charge and that it is true to the best of me knowledge, information and belief. SIGNATURE OF COMPLENANT					
10-31-14 / Am and House	SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year) October 31, 2012					

Case 1:13-cv-00084 Document 22 Filed in TXSD on 02/28/14 Page 95 of 105

EEOC Form 5 - Addendum Page

I was part of a group of approximately 30 Hispanic/Latino workers, all of Mexican national origin. While we worked planting sweet potatoes all four of the employers named above would regularly yell at us and verbally harass us. On occasion they would make comments such as: "Mexicans don't know how to work"; "vaya a chingar a su madre" (meaning "go fuck your mother"); and telling us that even children could do a better job than we were doing. There were no portable bathrooms provided until the end of the season and we were often not permitted to take breaks to relieve ourselves. The bosses would yell at us that we couldn't take a break because "time is money," and it was so bad that some of the workers even had accidents. Often we were not allowed to take our lunch break until much later than the expected lunch hour, and they would sometimes give us as little as 15 minutes for our lunch break.

There were other workers of the growers who were not part of our group, and that group was made of local workers, including workers who were not Hispanic/Latino or of Mexican national origin. They were allowed to take breaks as they wished. They were provided with a tarp for protection for the sun, but even though some from our group requested a tarp, we were not given one.

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I am represented by counsel in this matter. I request that any and all communications or correspondence for me be directed to my lawyer:

Case 1:13-cv-00084 Document 22 Filed in TXSD on 02/28/14 Page 96 of 105

EEOC Form 5 (5/01)

CHARGE OF DISCRIMINATION		Charge Presented to: Agency(ies) Charge No(s):			cy(ies) Charge No(s):	
This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.		FEPA				
Maria di constanti				······································		
TEXAS WORKFORCE COMMISSION CIVIL R			e	and EEOC		
State or local Name (indicate Mr. Ms. Mrs.)			Area Cor	ia)	Date of Birth	
Mr. Jose Luis Rodriguez	Home Phone (Incl. Area Code) Date of Birth 09/23/1960					
Street Address City, State					00/20/1000	
424 E 10 th St Brownsville, TX 78520						
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)						
Name (Grower-Employers)		ployees, Mem	bers		(Include Area Code)	
Lewis M. Bailey III & Lewis M. Bailey IV	Аррх. 5			(662) 414	4-0821/983-5745	
Street Address City, State						
102 Spratlin St. Bruce, I			·····			
Name (Farm Labor Contractor Employers)		ployees, Mem	bers		(Include Area Code)	
Jesus Cervantes & Andres Cervantes	Appx. 3		<u> </u>	(662) 80	0-4569/800-4564	
Street Address Clty, State 21901 Cedro Dr. Edcouch					·	
DISCRIMINATION BASED ON (Check appropriate box(es).		0000	DATE	E) DISCRIMIN	NATION TOOK PLACE	
DISCRIMINATION BASED ON (Check appropriate box(es).	•)		Earli		Latest	
X RACECOLORSEXRELIGION X NATI	ONAL O	RIGIN	May,		June, 2012	
RETALIATIONAGEDISABILITYOTHER(Specify	below.)	<u>X</u> CO	NTINUING A	CTION	
THE PARTICULARS ARE (If additional paper is needed, at	tached e	extra sheet(s)):			
I am a Hispanic/Latino Mexican Citizen and Legal Permanent Resident of the U.S. In early May, 2012, I was recruited by Jesus ("Chuy") Cervantes in Brownsville, TX to migrate to Bruce, Mississippi for temporary agricultural employment, planting sweet potato plants, for Lewis Marshall Bailey III and Lewis Marshall Bailey IV. During the course of my employment for the Farm Labor Contractor (FLC) Jesus Cervantes, his agent Andres Cervantes, and the sweet potato growers Lewis Marshall Bailey III (a.k.a "Marshall") & Lewis Marshall Bailey IV (a.k.a "Sonny"), I encountered many problems with the working conditions, pay, and migrant housing provided by the employers.						
See attached addendum page.						
I want this charge filed with both the EEOC and the State or local if any. I will advise the agencies if I change my address or phone and I will cooperate fully with them in the processing of my charge accordance with their procedures.	number	NOTARY - Requirement		cessary for S	State and Local Agency	
I declare under penalty of perjury that the above is true and correct.		swear or a nat is tru- pile Sign Ares	the beautiful control	e d-e f y kno	the above charge and owledge, information and	
10,3112 Jose Luis Rodri Date Charging Party Signature	30	SUBSCRIBEI (month, day	D AND SV	NODE TO BE	FORE ME THIS DATE	

Case 1:13-cv-00084 Document 22 Filed in TXSD on 02/28/14 Page 97 of 105 EEOC Form 5 – Addendum Page

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I am represented by counsel in this matter. I request that any and all communications or correspondence for me be directed to my lawyer:

EEOC Form 5 (5/01)	NOV 0 5 201				
CHARGE OF DISCR	RIMINATION	Charge Pre	sented t	o: Agen	cy(ies) Charge No(s):
This form is affected by the Privacy Act of 19 Statement and other information before	74. See enclosed Privacy Act	FEPA _X EEOC	451-2	2013-0037	2
TEXAS WORKFORCE C	OMMISSION CIVIL RIG			and EEOC	
Name (indicate Mr. Ms. Mrs.)		Home Phone (Incl.	Area Coo	le)	Date of Birth
Luis À Jimenez		(956) 238-997	7		05/03/1946
Street Address	City, State and	ZIP Code			
1039 Beaver Lake		, TX 78520			
Named is the Employer, Labor Organization That I believe Discriminated Against Me o	r Others. (If more than two,	list under PARTICU	ILARS be	olow.)	
Name (Grower-Employers)	No	b. Employees, Mem	bers	Phone No.	(Include Area Code)
Lewis M. Bailey III & Lewis M. E		рх. 50		(662) 41	<u>4-0821/ 983-5745</u>
Street Address	City, State and				
102 Spratlin St.	Bruce, MS				
Name (Farm Labor Contractor Employers	, I .	o. Employees, Mem	bers		(Include Area Code)
Jesus Cervantes & Andres Cer	Tallico ·	рх. 30		(662) 80	0-4569/800-4564
Street Address	City, State and				
21901 Cedro Dr.	Edcouch, T	X /8538	DATE (» DIGODIA	NATION TOOK DUGG
DISCRIMINATION BASED ON (Check	ck appropriate box(es).)		DATE(S Earli		NATION TOOK PLACE Latest
X RACE _ COLOR _ SEX _	RELIGION X NATION	AL ORIGIN	May,		June, 2012
RETALIATIONAGEDIS	ABILITY OTHER (Sp	ecify below.)	<u>x</u> co	NTINUING A	ACTION
THE PARTICULARS ARE (If addition	al paper is needed, attacl	ned extra sheet(s)):		
I am a Hispanic/Latino Mexican C recruited by Jesus ("Chuy") Cerva agricultural employment, planting IV. During the course of my empl Andres Cervantes, and the sweet Bailey IV (a.k.a "Sonny"), I encour provided by the employers.	intes in Brownsville, TX sweet potato plants, for oyment for the Farm La potato growers Lewis N	to migrate to Bi Lewis Marshall bor Contractor (Marshall Bailey I	ruce, Mi I Bailey (FLC) Jo II (a.k.a	ississippi f III and Lev esus Cerv ı "Marshall	or temporary wis Marshall Bailey antes, his agent I") & Lewis Marshall
See attached addendum page.					
I want this charge filed with both the EEC if any. I will advise the agencies if I chan and I will cooperate fully with them in the accordance with their procedures.	ge my address or phone nun			ecessary for	State and Local Agency
I declare under penalty of perjury tha correct.	t the above is true and	I swear or a that it is true belief.	e the b		the above charge and lowedgi, information and
10-24-12 Auis Charging Pa	L Jimenes inty Signature	(month day	v vean		FORE ME THIS DATE

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EEOC Form 5 (5/01) / 2012 NUV 20	A 10: 11 a						
CHARGE OF DISCRIMINATIO	• •	Charge Present	ed to: Agend	cy(ies) Charge No(s):			
This form is affected by the Privacy Act of 1974. See enclosed Statement and other information before completing this formation.	Privacy Act	FEPA _X EEOC	451-2	2013-00508			
TEXAS WORKFORCE COMMISSION CIVIL RIGHTS DIVISION and EEOC State or local Agency, if any							
Name (indicate Mr. Ms. Mrs.) Octavio Martinez	E C	iome Phone (Incl. / 956) 346-9879	•	Date of Birth 09/15/1958			
Street Address City, State and ZIP Code 1443 E Jefferson St. Brownsville, TX 78520							
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)							
Name (Grower-Employers) Lewis M. Bailey III & Lewis M. Bailey IV		ployees, Members	Phone No. (Include Area Code) 4-0821/ 983-5745			
Street Address C	City, State and ZIP of Struce, MS 389		1 (002) 11	. 002 17 000 07 40			
Name (Farm Labor Contractor Employers)	No. Em	ployees, Members		Include Area Code)			
Jesus Cervantes & Andres Cervantes Street Address	Appx. 3		(662) 800	0-4569/800-4564			
21901 Cedro Dr. EDISCRIMINATION BASED ON (Check appropriate	dcouch, TX 78		T/O) DICODIMIN	IATION TOOK BLACE			
	. , ,	E	arliest L	IATION TOOK PLACE atest une, 2012			
	V. CONITINUING ACTION						
RETALIATIONAGEDISABILITYO		elow.)					
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I declare under penalty of perjury that the above is correct.	true and			above charge and ledge, information and			
Date Charging Party Signature	· -	SUBSCRIBED AND (month, day, year Monte Male))	ORE ME THIS DATE			

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TEXAS WORKFORCE COMMISSION CIVIL RIC					
State or local Agen	ncy, if any				
Name (indicate Mr. Ms. Mrs.)	ome Phone (Incl. Area Code) Date of Birth				
Lorenzo A Silva N	I/A 02/16/1958				
Street Address City, State and ZIP Code P.O. Box 1723 Brownsville, TX 78522					
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency					
That I believe Discriminated Against Me or Others. (If more than two, lis	st under PARTICULARS below.)				
Training Caratras attributes and	Employees, Members Phone No. (Include Area Code) vx. 50 (662) 414-0821/ 983-5745				
Lewis M. Bailey III & Lewis M. Bailey IV Street Address City, State and Z					
102 Spratlin St. Bruce, MS 3					
Name (Farm Labor Contractor Employers) No.	Employees, Members Phone No. (Include Area Code)				
Jesus Cervanics dy marco Cervanico	ix. 30 (662) 800-4569/800-4564				
Street Address City, State and Z 21901 Cedro Dr. Edcouch, TX					
DISCRIMINATION BASED ON (Check appropriate box(es).)	DATE(S) DISCRIMINATION TOOK PLACE				
	Earliest Latest ORIGIN May, 2012 June, 2012				
X RACE _ COLOR _ SEX _ RELIGION X NATIONAL	Ordon				
RETALIATIONAGEDISABILITYOTHER (Speci	ify below.) X CONTINUING ACTION				
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the working conditions, pay, and migrant housing prov	vided by the employers.				
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I want this charge filed with both the EEOC and the State or local Agencif any. I will advise the agencies if I change my address or phone numb and I will cooperate fully with them in the processing of my charge in accordance with their procedures.	NOTARY – When necessary for State and Local Agency Requirements H GRI WHITE H GRI				
I declare under penalty of perjury that the above is true and correct.	I sweat or affirm the chave read the above charge and that it is true to the best domy knowledge, information and belief. SIGNATURE OF LEADING AND ADDRESS OF THE PROPERTY OF				
11-28-02 Oxenze Silve Charging Party Signature	SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year) 28, 2012				

I was part of a group of approximately 30 Hispanic/Latino workers, all of Mexican national origin. While we worked planting sweet potatoes all four of the employers named above would regularly yell at us and verbally harass us. On occasion they would make comments such as: "Mexicans don't know how to work"; "vaya a chingar a su madre" (meaning "go fuck your mother"); and telling us that even children could do a better job than we were doing. There were no portable bathrooms provided until the end of the season and we were not permitted to take breaks to relieve ourselves. The bosses would yell at us that we couldn't take a break because "time is money," and it was so bad that some of the workers even had accidents. Often we were not allowed to take our lunch break until much later than the expected lunch hour, and they would sometimes give us as little as 15 minutes for our lunch break.

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I am represented by counsel in this matter. I request that any and all communications or correspondence for me be directed to my lawyer:

EEOC Form 5 (5/01) Charge Presented to: Agency(ies) Charge No(s): CHARGE OF DISCRIMINATION This form is affected by the Privacy Act of 1974. See enclosed Privacy Act **FEPA** Statement and other information before completing this form. 451-2013-00591 **EEOC** TEXAS WORKFORCE !! CONSTITUTION TO THE TRUE TO THE TEXAS WORKFORCE !! CONSTITUTION and EEOC State or local Agency, if any Name (indicate Mr. Ms. Mrs.) Home Phone (Incl. Area Code) Date of Birth N/A 11/28/1932 Heron Gregorio Alaniz City, State and ZIP Code Street Address Brownsville, TX 78520 651 N. Dakota Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.) Phone No. (Include Area Code) No. Employees, Members Name (Grower-Employers) Appx. 50 (662) 414-0821/ 983-5745 Lewis M. Bailey III & Lewis M. Bailey IV City, State and ZIP Code Street Address 102 Spratlin St. Bruce, MS 38915 Name (Farm Labor Contractor Employers) No. Employees, Members Phone No. (Include Area Code) **Appx. 30** (662) 800-4569/800-4564 Jesus Cervantes & Andres Cervantes City, State and ZIP Code Street Address Edcouch, TX 78538 21901 Cedro Dr. DISCRIMINATION BASED ON (Check appropriate box(es).) DATE(S) DISCRIMINATION TOOK PLACE Earliest Latest May, 2012 June, 2012 X RACE COLOR SEX RELIGION X NATIONAL ORIGIN X CONTINUING ACTION RETALIATION AGE __ DISABILITY ___ OTHER (Specify below.) THE PARTICULARS ARE (If additional paper is needed, attached extra sheet(s)): I am a Hispanic/Latino Mexican Citizen and a Legal Permanent Resident of the U.S. In early May, 2012, I was recruited by Jesus ("Chuy") Cervantes in Brownsville, TX to migrate to Bruce, Mississippi for temporary agricultural employment, planting sweet potato plants, for Lewis Marshall Bailey III and Lewis Marshall Bailey IV. During the course of my employment for the Farm Labor Contractor (FLC) Jesus Cervantes, his agent Andres Cervantes, and the sweet potato growers Lewis Marshall Bailey III (a.k.a "Marshall") & Lewis Marshall Bailey IV (a.k.a "Sonny"), I encountered many problems with the working conditions, pay, and migrant housing provided by the employers. See attached addendum page. I want this charge filed with both the EEOC and the State or local Agency. NOTARY - When necessary for State and Local Agency Requirements if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures. e dutye charge and I swear or affirm I declare under penalty of perjury that the above is true and that it is true to finformation and correct. belief. SIGNATURE O 11-29-12 / 10N Sac Date Charging P SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year) 11-29-12-

I was part of a group of approximately 30 Hispanic/Latino workers, all of Mexican national origin. While we worked planting sweet potatoes all four of the employers named above would regularly yell at us and verbally harass us. On occasion they would make comments such as: "Mexicans don't know how to work"; "vaya a chingar a su madre" (meaning "go fuck your mother"); and telling us that even children could do a better job than we were doing. There were no portable bathrooms provided until the end of the season and we were often not permitted to take breaks to relieve ourselves. The bosses would yell at us that we couldn't take a break because "time is money," and it was so bad that some of the workers even had accidents. Often we were not allowed to take our lunch break until much later than the expected lunch hour, and they would sometimes give us as little as 15 minutes for our lunch break.

There were other workers of the growers who were not part of our group, and that group was made of local workers, including workers who were not Hispanic/Latino or of Mexican national origin. They were allowed to take breaks as they wished. They were provided with a tarp for protection for the sun, but even though some from our group requested a tarp, we were not given one.

When we were paid, we were expecting to be paid with checks, including withholdings for FICA, SS and Medicare and with paystubs indicating our hours, wages, deductions, etc. Instead, we were paid by cash. We were told we would be paid at \$9/hour, but many times Jesus or Andres Cervantes would make unauthorized deductions from our pay, thus decreasing the hourly wage. We believe that the other group of workers was paid by checks and at a rate of \$9/hour or higher.

The "housing" provided to us was awful. We expected housing that would meet federal standards but what we got was worse than a jail, and fit more for animals than people. We were taken to a warehouse where there were bunk beds with dirty mattresses, with no bedding. There was no real shower, but only a pipe that had been rigged to use as a make-shift shower. There were only 2 toilets for everyone, and at times only one was functioning. The "bathroom" area and "kitchen" area were both open at the top so sounds and smells from the two areas mixed. The "kitchen" area was also insufficient with only a board set up to be like a table and stove and fridge that didn't properly function and were insufficient for the approximate 30 of us who were housed there.

I believe that I and the other workers were treated in a discriminatory manner because of our race and national origin, in violation of Title VII of the Civil Rights Act of 1964, as amended. The words and actions of Jesus Cervantes, Andres Cervantes, Lewis Marshall Bailey III, and Lewis Marshall Bailey IV created a hostile work environment. I am filing this charge on behalf of myself and the other workers of my crew who were treated in the same or similar manner.

I am represented by counsel in this matter. I request that any and all communications or correspondence for me be directed to my lawyer: